

Empathy as the Key to Equality and Human Rights

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An Investigation of Empathy's Role in Inter-Group Relations and Discrimination

Nadine Schultz

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Supervisor: Professor Zdzisław Kędzia

Second semester university: Adam Mickiewicz University Poznan

Abstract

Human ability to reason has been credited extensively within the field of human rights for achieving equality, which is the basis for human rights. Human rights are traditionally a highly rational matter in scholarship. In fact, however, reason does not function without emotions. Equality depends on an emotional appeal. Empathy, a universal human faculty, can be seen as connecting individual minds via neurological processes. It is speculated therefore that it is through empathy and less through pure reason that another person is perceived as being equal – equal in the sense of being an equally sentient being. This leads to the theory that impaired empathy leads to discrimination. Discrimination usually occurs in inter-group relations. Identification with norms and ideas of collectives can lead to a reduced empathic view and exclusion of out-group members. An out-group member, here frequently called “*the other*”, is easily stereotyped, prejudiced and dehumanized. It can be assumed that it needs empathy to overcome discrimination, which is based on an “empathy gap”.

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1. Introduction

*To be, or not to be: that is the question:
Whether 'tis nobler in the mind to suffer
The slings and arrows of outrageous fortune,
Or to take arms against a sea of troubles,
And by opposing end them? To die: to sleep;
No more!*¹

“To be, or not to be: that is the question”, Hamlet’s monologue dramatically depicts the conflict, according to the American writer George Trow, between Hamlet’s ideal of what he ought to be and his feelings.² Arno Gruen, German-Swiss psychoanalyst, takes Trow’s interpretation to explain how our feelings impoverish through idealized norms, which tell us *how* “to be”.³ We learn *what* and *how* we ought to be from the moment we are born. We develop a sense of abstract ideals. We see the world through a template. According to the philosopher José Ortega y Gasset, the question then becomes *what am I* instead of *who am I*.⁴ Hamlet is supposed to kill his uncle by request of his father. Hamlet thinks that he will be nobody (that he will decide for “not to be”), if he does not follow this request since he believes in the abstract male myths of honour and heroism. On the other hand, there is “not to be”. In Hamlet’s case “not to be” would mean giving in to the “womanish” emotions of feeling guilt for killing the beloved uncle and not doing what he is ought to.⁵ But Hamlet, who was struggling so much with his conscience, is wrong. Psychological research has shown that we can only develop to a healthy human being if we consider our very own emotions and thereby develop our empathic capacity.⁶ “Not to be” essentially means “to be”. Hamlet can only form an

¹ Thompson & Taylor, 2006, Act 3, Scene 1.

² Gruen, 2013, pp. 18-20.

³ Idem.

⁴ Gruen, 2013, pp. 14-17.

⁵ Gruen, 2013, pp. 18-20; Hamlet referring to womanish emotions: “Frailty, thy name is woman!” Thompson & Taylor, 2006, Act 1, Scene 2.

⁶ See for instance: Gruen, 2013, pp. 11-14, 21-34, 105-118; John Riker claims that poorly developed empathic capacities lead to low self-esteem and self-disorders (see: Riker, 2010, pp. 15-18).

individual identity by giving in to his emotions and not by exclusively valuing the “male” identity.

How is Hamlet connected to human rights? Human rights do not only suffer from tyrant states, or economic problems, but also from individuals, who identify so much with a certain collective, that they develop an inegalitarian view on “others”.⁷ Individuals, who strongly identify with a collective identity, can become self-estranged and lose their own *human* identity⁸ – just like Hamlet. Human here means that human beings are inherently empathic and warm creatures. New born babies cry when they hear other babies cry.⁹ However, human beings can move away from their empathic capacities and become absorbed by the belief that the collective they belong to is superior to others.¹⁰

¹¹In every culture children are brought up under certain norms, and often have a “*we-feeling*”, taken from a collective identity.¹² This can become problematic when one becomes extreme and develops negative attitudes against the out-group.¹³ Those negative attitudes can involve what I call group-centrism. The more one is group-centric, the more likely one is to misunderstand out-group members.¹⁴ Prejudice, which is often linked to group-centrism,¹⁵ is a major problem in human societies. Group-centrism and prejudice have a strong link to stereotyping and dehumanization.¹⁶ It can be argued that collective identities are the decisive factor for *discrimination* to happen; particularly discrimination of minorities, but also in general of anyone who is threatening the collective identity of the discriminating group. A collective identity is highlighted by *identity markers* which separate it from other larger groups, but also from differing individuals.¹⁷ Some identity markers are nation, ethnicity, gender,

⁷ Wertheimer, 2003, pp. 30-43.

⁸ Extreme, uncritical identification with a collective always goes hand in hand with obeying those norms, which substantiate the collective idea. Thereby the identifying individual subjugates itself to norms and loses its own empathic sight (which facilitates discrimination) (see: Gruen, 2013, pp. 37-41, 11-14).

⁹ Gutsell & Inzlicht, 2012, p. 596.

¹⁰ Wertheimer, 2003, pp. 16-21, 30-43; Gruen, 2013, pp. 41-42.

¹¹ There would be no discrimination if collectives would not regard themselves as superior to certain others.

¹² Wertheimer, 2003, p. 36.

¹³ Davidson & Thompson, 1980, p. 27.

¹⁴ Gudykunst, 1991, p. 69.

¹⁵ Gudykunst, 1991, p. 66.

¹⁶ For the link between prejudice and dehumanization see for instance: Harris & Fiske, 2011, pp. 175-181.

¹⁷ Roter, 2012.

sexuality, language, religious beliefs, class, caste, disability, and age. However, the list is non-exhaustive because identification with anything could theoretically lead to human rights critical discrimination. One could say that the problem is predominantly *difference*. Collective identities can become so dangerous because “*the other*”, who does not belong to the identity, is confronted with less empathy,¹⁸ or even disgust and hatred.¹⁹

Considering the seemingly never ending history on inter-group rivalries leading to exclusion, oppression, segregation, wars and even ethnic cleansing or genocide (despite the imperative “Auschwitz never again”),²⁰ human rights are still a utopia. Ironically, Fukuyama pronounced the “end of history” and the “legitimacy of liberal democracy as a system of government”.²¹ Yet, throughout the whole globe it is apparent that humans too often cannot handle *difference*,²² and therefore resort to violence – both physical and mental. It seems that even in human rights friendly regions, there is always a *latent threat* of violations. In the shade of all this pessimism, are human rights, which have such a short history as a political idea, already lost? The answer is yes and no. Yes because if human rights remain a political and legal idea *only*, they will never flourish as much as their name is promising. No because human rights can work if it is recognized that human morality plays an important role in their development. Every action, may it be an official state action or private action, is based on *human actions*. The real perpetrators of human rights violations are humans. People, by nature, have the ability to be moral. *Empathy*, a neglected human ability, is a fundamental condition for humans to be inherently moral.²³ Empathy makes us able to share other’s emotions,²⁴ which can also include the emotions of *different* others;²⁵ empathy is a precondition to

¹⁸ Gutsell & Inzlicht, 2012, pp. 596-602.

¹⁹ Harris & Fiske, 2011, pp. 175-179.

²⁰ Theodor Adorno demands that the imperative that Auschwitz can never happen again must be part of any education (see: Adorno, 1971, p. 88).

²¹ Collway-Thomas, 2010, p. 2.

²² *Idem*.

²³ Yet it is speculated that disorders, such as autism, being psychopathic, or certain brain lesions (which for instance lead to not being able to recognize oneself in the mirror and hence to be unable to infer other’s mental states), or a weak relationship to the mother in early years (as for instance when the mother is depressed) lead to impaired empathic capacities (see: Preston & de Waal, 2002, pp. 14-16).

²⁴ Preston & de Waal, 2002, pp. 6-14.

²⁵ Batson et al, 1997, pp. 105-118; Hunt, 2007, p. 40.

act appropriately to another's situation;²⁶ thus it can be said to be a *universal* faculty, by which we can be affected emotionally by other's emotions, recognize them cognitively, and take proper action.²⁷ It helps us to create social bonds²⁸ - I argue that those bonds can be extended to different groups.

This dissertation thus examines in how far *empathy is the key to equality and human rights in the context of collective identities, which are assumed to discriminate against "the other" due to a lack of empathy*. To understand the importance of empathy in connection to human rights, one could ask if there is anything intrinsic in the idea of human rights which is connected to empathy. Human rights are essentially connected to the idea of *equality*, which in turn is essentially connected to the principle of non-discrimination. At the same time, empathy can be seen as a gate to "*the other*", thereby allowing us to see the other as being intrinsically equal to us in the sense that all share equal humanity. Accordingly, empathy can heal humans' inability to view "difference" as being constructed by culture.²⁹ Empathy can make us realize that "*the other*" is not really different from us and therefore has the power to overcome human rights violations, in which the perpetrator does not recognize the equality of the victim. In other words, I will thoroughly examine empathy in the light of discrimination. It is empathy, which leads to perceiving "*the other*" as being equal. Conversely, it is a lack of empathy, which leads to discrimination.

The discriminating individual or group is often incapable of seeing the victim as being equal and, on top of that, she or even rationalizes the discriminating behaviour. Due to prejudice, there is an "empathy gap" for "*the other*".³⁰ Empathy can overcome narrow-mindedness. Empathy serves as foundation for morality since through empathy individuals can develop into tolerant social beings. However, usually *reason* and human rational capacities have been credited most within the field of human rights as achieving equality and justice. Egalitarian concepts of human rights are traditionally associated

²⁶ Hoffman, 2000, pp. 29-63.

²⁷ Semedo, Luísa.

²⁸ Anderson & Keltner, 2002, pp. 21-22.

²⁹ Gutsell & Inzlicht, 2012, p. 597.

³⁰ Gutsell & Inzlicht, 2012, p. 597.

with the Enlightenment.³¹ Especially Kant, who tremendously influenced the philosophy of human rights,³² does not think that it is spontaneous human nature which achieves equality, but he sees reason as being responsible for abstractly constructing equality and moral laws.³³ Kant's universal concept of freedom prescribes that we are equal since we all belong to the species *homo sapiens*.³⁴ Human beings have the capacity to reason with a free will, which is why they should always be treated with respect.³⁵ Human beings have universal moral worth and freedom based on their ability to be autonomous moral agents, which in turn is based on reason. Therefore, for Kant the universal freedom for all rational human beings is the basis for an egalitarian concept of human rights.³⁶ ³⁷ What can be seen is that Kant's concept of freedom is an *abstract idea*, which is deducted from human ability to reason. It is only through reason that people can construct moral laws and ideas, such as the categorical imperative and concepts of equality, and act according to them. This is important because for Kant humans are *not spontaneously good* – otherwise they would not need imperatives.³⁸ I am arguing, in opposition to Kant, that it is not only overly developed abstract thinking that can help people realizing equality. People can actually be spontaneously good and see the *real* and not abstract equality of “*the other*” – through empathy.³⁹ Reason is of course a very valuable human capacity; yet it is not enough to realize equality and combat discrimination. That view would be “idealist, ideological and illusory” and go against a realistic account of morality.⁴⁰ How else could it be explained that the French Revolution, which was so much influenced by Kant's ideas, was not so egalitarian after all?⁴¹ Kant's abstract thoughts on equality are not sufficient. People are heavily

³¹ Donnelly, 2009, pp. 20-23.

³² Ferry, 2007, p. 146; Gosepath, 2011, chapter 2.3.

³³ Ferry, 2007, pp. 144-154.

³⁴ Dybowski, 2013.

³⁵ Sensen, 2011, pp. 2-5; Gosepath, 2011, chapter 2.3.

³⁶ Gosepath, 2011, chapter 2.3.; Donnelly, 2009, pp. 20-23.

³⁷ Kant's philosophy, for instance, stimulated the French Revolution. The “Declaration of the Rights of Man of the Citizen” included Kantian concepts of equality (see: Gosepath, 2011, chapter 2.3.).

³⁸ Ferry, 2007, pp. 147-148.

³⁹ Already Theodor Adorno, Max Horkheimer and Richard Rorty, as can be read in Barreto, opposed Kant in this respect and upheld that moral sentiments lead to morality (Barreto, 2006, pp. 73-105).

⁴⁰ This idea stems from Max Horkheimer (see: Barreto, 2006, p. 95).

⁴¹ Hunt, 2007, pp. 15-34; Mousset, 2007, pp. 1-7.

influenced by emotions and hence there is no pure reason.⁴² It is through “positive” emotions, such as empathy, that true equality can be achieved.

The outline of this dissertation will be as follows. First, *empathy* will be presented in an interdisciplinary analysis in order to illustrate why it is the key to identifying with others and hence to equality. This interdisciplinary approach is crucial to understand the extremely immoral behaviour seen in discriminating acts. Second, the reality of emotions, which basically means that blind submission to norms and collectives can lead to impaired empathy, will be presented. Since emotions and reason are intrinsically connected and lead to both rational and irrational decisions, discrimination cannot be tackled with reason only. The emotions, which lead to discrimination and impair empathy, need to be countered with empathy. Otherwise the problems of discrimination cannot be solved. The second chapter explains from a perspective of empathy why discrimination occurs. Discrimination can peak in acts of *dehumanization*. It will be shown that a lack of empathy for the dehumanized “terrorists” or “enemy combatants” in the United States detention centre in Guantánamo Naval Base facilitates their indefinite detention.

⁴² See chapter 2.1.

2. Empathy as Foundation for Equality

2.1. A short Introduction Into Ethics and Its Relevance for Human Rights

Ethics, also called moral philosophy, try to explain moral and immoral human actions.⁴³ Usually normative ethics, which is about what people *ought to do*, is viewed quite antagonistic to descriptive ethics, which is about scientifically trying to understand and explain moral behaviour.⁴⁴ ⁴⁵ While it could be argued that only through normative ethics morality can be achieved, one could counter that “*real moral value*” – to say it with Artur Schopenhauer’s words – is embedded in genuine, which means actual and empirical, human conduct.⁴⁶ And this genuine conduct, I argue, is usually stimulated by an emotional appeal, which is based on empathy.⁴⁷ Because normative ethics talk about what people ought to do, it is embedded in moral ideals. Yet as Horkheimer said, ideals are “illusory” – they need to enter the realm of the descriptive in order not to remain ideals. Moreover, it can be argued that normative ethics are thought to be based on *reason* as they are based on abstract ideals. However, as will be explained in chapter two, reason is influenced by emotions. And emotions are actually *present* – they are something empirical.⁴⁸ Therefore, the division between normative and descriptive ethics

⁴³ Definition of Morality in Oxford Dictionaries: morality describes which actions are seen as right and wrong according to certain values.

⁴⁴ Gramer, 2000, p. 75.

⁴⁵ Wittmer, p. 1.

⁴⁶ Gramer, 2000, p. 75.

⁴⁷ According to Schopenhauer, it is the feeling of compassion, which is the *real* moral driving force (see: Gramer, 2000, p. 46). Empathy – the ability to understand the subjectivity of someone else – is strongly related to compassion. Some definitions of compassion, for instance the one of Schopenhauer, are very similar to what empathy is. Essentially, compassion means to share the pain of someone else and to want to relieve the pain. A certain distance to the other is overcome (see: Gramer, 2000, p. 48) – and for that, as will be explained, empathy is needed. Neuroscientist Richard Davidson showed that empathy and compassion activate different, but partly overlapping brain areas (see: Summary of the Compassion Meditation Conference). Compassion entails being completely aware of feeling with someone else according to Frans de Waal. Compassion, which can be trained through meditation, can transform empathy in the desire to *actively* relieve someone’s pain (see: Summary of the Compassion Meditation Conference). Still, I will mainly focus on empathy in this dissertation because it is *the* key to identify with other and can hence *prevent* discrimination. If there was more empathy in the first place, less compassion to relieve pain would be needed.

⁴⁸ Although one is not always aware of emotions. Consciousness about an emotion leads to a *feeling* of that particular emotion (“I feel happy”). Some emotions are subconscious. Yet they influence our decisions.

is not watertight. Moralists are on the wrong track if they believe that emotions do not influence rational moral decision-making. Emotions and reason are not separable. That would have been Kant's ideal – yet he was himself presumably led by prejudice when he held that women should not be involved in public affairs because they are too emotional.⁴⁹ In order to understand morality and hence to develop human rights, morality needs to be seen more from an emotional perspective. How else could one explain that judges in cases involving human dignity use strongly emotional language – despite jurisprudence's claim to be highly rational?⁵⁰ Often Kant, whose philosophy is strictly separated from emotions,⁵¹ is cited as being the basis for the judicial concept of dignity.⁵² To go a step further and link the claim that morality depends on emotions to empathy, only the “right” emotions can lead people to feel empathy for each other – across social boundaries.⁵³ Furthermore, if emotions are not taken into account and morality is seen to be only based on reason, the dangers of instrumental reason cannot be overcome. Can norms not be used for immoral ends by the norm maker – with people blindly complying? How else would you think was the *Holocaust* possible?⁵⁴ As will be explained in chapter two, strictly adhering to norms leads to reduced empathic capacities. People need to learn how to feel what is moral; moral intuition needs the “right” emotions and empathy.

Discrimination, which arises from the inability to handle difference and a resulting disrespect for “*the other*”, could be curbed by empathy. Human rights need *heart*, not (*ir*)rational norms. With reason and hence with norms everything can be “rationalized”, even genocide.

⁴⁹ Kant on women: Barreto, 2006, p. 80.

⁵⁰ White, 2011, pp. 1-10.

⁵¹ Sensen, 2011, pp. 2-5; Ferry, 2010, pp. 144-154.

⁵² Fletcher, 1984, p. 178; White, 2011, p. 9.

⁵³ Hunt, 2007, p. 40.

⁵⁴ According to an interpretation provided by Jose-Manuel Barreto, Adorno and Horkheimer claim that the *Holocaust* was only possible due to strictly adhering to norms (Barreto, 2006, p. 73).

2.2. An Ethical Discourse on Empathy

This discourse only covers what is important for this dissertation and is based on “Western philosophy”.⁵⁵ It is quite interesting to focus on Western philosophy in this respect since the Western tradition of *reason* because of Kant’s influence on human rights philosophy.⁵⁶ Western philosophy of reason helps to understand why emotions have never been appreciated too much. Yet no matter from which perspective, I think a discourse on empathy – in the context of human rights - can have *universal* value since it is a *universal* human faculty.⁵⁷

Already in early Greek philosophy reason and sentiments have been viewed quite antagonistic,⁵⁸ and this antagonism had its climax in the Age of Reason – the Enlightenment - in the early 18th century.⁵⁹ Moral sentimentalists, such as Hume, Shaftesbury, Hutcheson, Adam Smith, Richard Rorty, Michael Slote, and many feminist philosophers, such as Carol Gilligan, ground morality at least partly in moral sentiments - which also count for empathy.⁶⁰ For many moral sentimentalists reason plays an assisting part in morality. On the other hand, moral rationalists ground morality in reason. It is claimed that moral standards are *universal* and *absolute* and that sentiments or emotions are not reliable enough and too relative to ground morality.⁶¹ Moral rationalists, such as Kant, do not grant emotions moral capacity since they cannot be trusted.⁶² Kant considered emotions as being *blind* and *weak*, which is why morality must come from reason, from moral imperatives.⁶³ Considering how cruel people can be it seems quite natural to assume that emotions are not reliable for morality. Also Plato claimed that emotions, such as empathy and especially compassion, prevent us from becoming better and happier. Instead we become worse and more miserable when we

⁵⁵ Because the main stimuli for the development of universal human rights, as they exist nowadays, came from the West. This is not to say that human rights are a Western idea. Jack Donnelly suggests that it is rather the social conditions of modernity (“structure not culture”), which led to an egalitarian concept of human rights (see: Donnelly, 2009, pp. 79-81).

⁵⁶ Ferry, 2007, p. 146; Donnelly, 2009, pp. 20-23; Kant, 1797, p. 230; Gosepath, 2011, chapter 2.3.

⁵⁷ Semedo, Luísa.

⁵⁸ Gramer, 2000, p. 13.

⁵⁹ Idem.

⁶⁰ Slote, 2007, pp. 1-3.

⁶¹ Gill, 2007, p. 16.

⁶² Sensen, 2011, p. 4.

⁶³ Gramer, 2000, pp. 35-36.

watch others complain.⁶⁴ Emotions hinder us to do what we ought to and thus do not go along with reason and justice.⁶⁵ Plato thus thinks that emotions are not reliable enough to ground morality. In opposition, I will argue that reason alone is not enough for moral behaviour and that empathy can contribute to the development of human rights.

2.2.1. The Meaning of Empathy

Empathy linguistically already existed in classical Greek philosophy. However, as a more debated philosophical concept it only came to the fore in the 19th century. Its history has been very diverse,⁶⁶ and it is quite acknowledged that empathy is crucial for understanding the subjectivity – in other words the mind and feelings - of others.⁶⁷

The word empathy did not exist in the English language until 1909. The psychologist Edward Titchener translated the German word *Einfühlung* (to “feel into”) as empathy.⁶⁸ In German philosophy, *Einfühlung* was usually understood to be important for aesthetics. It has been used to feel into works of art and literature. Especially within the epoch of Romanticism it has been valued much to feel into the poetry, sense its spirituality and grasp a sense of nature’s transcendence.⁶⁹ In the end, it was Theodor Lipps (1851-1914) who examined empathy more closely. It was also his notion of *Einfühlung*, Titchener translated.⁷⁰ Though not knowing about the phenomenon of *mirror neurons* yet, he sensed that empathy is crucial for understanding the subjectivity of others – as a kind of *inner imitation*.⁷¹ We directly perceive other minds through empathy.⁷²

⁶⁴ Gramer, 2000, p. 15.

⁶⁵ Idem.

⁶⁶ Stueber, 2013, introduction, chapter 1.

⁶⁷ Kohut, 1959, pp. 459-483; Stueber, 2013, chapter 2 and 5.

⁶⁸ Slote, 2007, p. 13.

⁶⁹ Stueber, 2013, chapter 1.

⁷⁰ Stueber, 2013, chapter 1.

⁷¹ Stueber, 2013, chapter 1 and 2; Gutsell & Inzlicht, 2012, pp. 596-597.

⁷² Lipps, 1905, p. 49.

Empathy as a moral driving force is traditionally traced back to the 18th century moral sentimentalist David Hume.⁷³ In *A Treatise of Human Nature* Hume used the term sympathy for what we nowadays call empathy. Yet he also used sympathy for what we nowadays would call sympathy.⁷⁴ So what exactly is the *meaning* of empathy? And what if the meaning of sympathy – since it is apparently similar? As stated in the introduction empathy makes us able to share other’s emotions; it is a *precondition* to act appropriately to another’s situation;⁷⁵ thus it can be said to be a *universal* faculty, by which we can be affected by other’s emotions, recognize them cognitively, and take proper action.⁷⁶ Another definition, given by Edith Stein, is that “empathy (...) is the experience of foreign consciousness in general, irrespective of the kind of the experiencing subject or of the subject whose consciousness is experienced.”⁷⁷ Hume again speaks of a “contagion” of feelings from one person to another empathic person.⁷⁸ According to the psychoanalyst Arno Gruen, empathy is the ability to feel someone else’s “feelings, intentions, ideas, and sometimes even movements”. It is about really understanding and feeling with others.⁷⁹ It is the ability to be truly involved with pain of the other, to understand the suffering without prejudice and to feel connected to all humans (if not even, according to Gruen, all living creatures).⁸⁰ Based on these definitions, empathy could be seen as feeling with someone else, understanding him or her – no matter the background. With empathy you can see the world through someone else’s eyes. This is possible due to the phenomenon of mirror neurons, which usually function in “ordinary” human beings.

To understand the functioning of mirror neurons, an experiment conducted in Parma in 1992 is explanatory: first, a research team, which investigated the behaviour of primates, observed what kind of neuron acts within the brain when the macaque picked up a nut. Afterwards, the macaque was put behind a glass wall and this time he only

⁷³ Slote, 2007, p. 4.

⁷⁴ Slote, 2007, p. 13.

⁷⁵ Preston & de Waal, 2002, pp. 6-14; Hoffman, 2000, pp. 29-63; Batson et al, 1997, pp. 105-118; Hunt, 2007, p. 40.

⁷⁶ Semedo, Luísa.

⁷⁷ Stein, 1989, p. 11.

⁷⁸ Slote, 2007, p. 13.

⁷⁹ Gruen, 2013, p. 27.

⁸⁰ Gruen, 2013, p. 11.

observed how a member of the research team picked up the nut. Surprisingly, what happened was the same as before: the same neuron in the macaque's brain acted (It was verified in later experiments that the same happens in human brains). The research team around Giacomo Rizzolatti invented a new term: mirror neuron. It is the same as the first described neuron, which acts when you do something yourself. However, when you only observe someone, your brain *simulates* the same process; and in that process the neuron is *called* mirror neuron. That very ability of your brain to simulate feelings is the *key to understand empathy and social behaviour*.⁸¹ Mirror neurons are located in the prefrontal cortex, a different region than the ventromedial region in the brain, which is the location for *rational thinking and reasoning*. So far, it is not clear how exactly empathy and reasoning work together.⁸² ⁸³ According to the neuroscientist Vittorio Gallese, one of the discoverers of mirror neurons, mirror neurons lead to a "shared manifold intersubjectivity".⁸⁴ It basically means that we need mirror neurons to be able to have intersubjective relations with other human beings, or any other creatures.⁸⁵ Moreover, with functional magnetic resonance imaging, which investigates the functioning of mirror neurons, it was demonstrated that the perception of another's emotion or behaviour lead the observer to active the same neurons, in order to feel the same emotions or act the same (perception-action-coupling). This perception-action-coupling has been found in, for instance, intentional actions, disgust, touch, facial expressions, and pain.⁸⁶ Yet most strikingly and as will be come back to in chapter two, there is an "*empathy gap*" (less empathy felt) for out-group members felt by people who identify with a different collective.⁸⁷

An empathetic person is feeling *with* someone, and not merely *for* someone. That is the case for sympathy. You feel, for instance, pity for someone else who is suffering. Still you do not understand what the suffering person is feeling. You only see that she or he

⁸¹ Precht, 2007, pp. 162-168; Stueber, 2013, chapter 2.

⁸² Precht, 2007, pp. 164-165.

⁸³ It could be added to this that it has been found in an experiment that people cannot think emotionally – in the form of empathy – and rationally, or better to say abstractly, at the same time (see: Paddock, 2013).

⁸⁴ Gallese, 2001, p. 44.

⁸⁵ Idem.

⁸⁶ Gutsell & Inzlicht, 2012, pp. 596-597.

⁸⁷ Gutsell & Inzlicht, 2012, p. 597.

is suffering and therefore you feel sorry, but to really feel empathy you need to be able to identify with the other person.

2.2.2. The Importance of Empathy for Moral Behaviour

This explanation of what empathy means already gives a hint how it functions for moral behaviour. According to Hume, empathy is the key to morality as it is through empathy that “others’ joys and sorrows” can be made “our own”.⁸⁸ The *empathy – altruism hypothesis* by C. D. Batson, for instance, claims that empathy is important for the development of truly altruistic concern in human beings and is simultaneously fostering justice.⁸⁹ Without empathy, someone will not feel with someone else and accordingly she or he will be less inclined to help.⁹⁰ The philosopher Michael Slote, correspondingly, argues that the more empathy is developed, the better is the moral intuition.⁹¹ ⁹² Moreover, the psychoanalyst Heinz Kohut defines empathy as being a means to collect data about others and thereby understanding their subjectivity better.⁹³ Furthermore, empathic perceptions are pure and not influenced by societal expectations, which is why they mirror reality.⁹⁴ Cognitive perceptions sometimes do not quite mirror reality, which will be explained later. They are usually influenced by norms and ideas.⁹⁵ Therefore, empathy is needed to truly conceive reality – at least the reality a human being potentially can perceive. Moreover, a child needs empathy to grow up to have a healthy, strong self-image. It needs to perceive its environment by itself, through very

⁸⁸ Barreto, 2006, p. 101.

⁸⁹ Slote, 2007, pp. 13-15.

⁹⁰ Slote, 2007, p. 14.

⁹¹ Slote, 2007, p. 16.

⁹² Yet one should be critical to Slote’s ethics of empathy since he dramatically takes the position that one has to decide between a liberal notion of justice and an ethics of empathy. The liberal notion of justice means here basically Kant’s account of non-interference into other people’s rights. He gives the example of hate speech, which would never be allowed from the perspective of an ethics of empathy, while from a liberal perspective it would be debatable (see: Slote, pp. 67-84). Yet I do not take Slote’s extreme stance in this dissertation. While Slote is right in claiming that empathy is good for moral intuition, liberal rights should be valued for giving a certain ethical frame, and giving knowledge which can mediate certain emotions

⁹³ Kohut, 1977, p. 306.

⁹⁴ Gruen, 2013, p. 12, 105-117; Wertheimer, 2003, p. 36; Kohut, 1977, p. 306.

⁹⁵ Gruen, 2013, p. 12.

own empathic perceptions, *in order to have a rich inner self*.⁹⁶ Without a strong development of empathic capabilities a human being will not be able to have strong relations – relations based on personal feelings and trust.⁹⁷ To use a metaphor from Heinz Kohut, empathy is needed for human relationships as much as oxygen is needed to survive.⁹⁸ As will be seen, only someone with a rich inner self is able of tolerating deviating norms and hence deviating people.

For the reasons given so far it can be argued that empathy is necessary for human beings to relate to others and act morally towards them.⁹⁹ Lacking empathy in human relations often results in discrimination and human rights violations. Becoming interested in the subjective perspective of “*the other*” is crucial to recognize her *worth*, to *humanize* her. This is beautifully mirrored in the traditional African value *ubuntu* (“I am because you are”), which originally stems from Xhosa who said that “*a person is a person through persons*”.¹⁰⁰ It might seem odd to compare a traditional African, as it seems communitarian, value to the liberal notion of human rights – especially in the light of the debate on cultural relativism. But as we will see it makes sense. It is empathy, potentially inherent in the human being, which leads to equality, the protection of inner worth, and makes human rights become more real.

2.3. Empathy as An Essential *Ingredient* for The Concept of Human Rights

Is there anything that makes human rights having a value beyond legal norms and therefore gives them a deeper foundation? Why would this question be relevant for the claim that empathy is essential for the concept of human rights? Within the human rights context human beings are usually seen as having an equal inner worth, human dignity, which grounds human rights and which human rights are simultaneously

⁹⁶ Gruen, 2013, pp. 121-134; Riker, 2010, pp. 15-18, 44.

⁹⁷ Gruen, 2013, pp. 55-63; Kohut, 1977, p. 272; Hoffman, 2000, pp. 1-62; Preston & de Waal, 2002, pp. 6-9; Riker, 2010, p. 120.

⁹⁸ Kohut, 1977, p. 253.

⁹⁹ John Riker claims that empathy makes ethical life possible (see: Riker, 2010, p. xii, 103, 128).

¹⁰⁰ Halpern & Weinstein, 2004, p. 565.

supposed to protect.¹⁰¹ The breakthrough of the concept of *human dignity*, which entails that every human being has an equal inner worth, can be explained only through empathy – at least in sociological terms. The “self-evidence” of human rights, as the historian Lynn Hunt calls it, “relies ultimately on an emotional appeal”.¹⁰² Empathy led people to see others as equal and hence the inegalitarian concept of *dignity* was progressively widened to *human dignity*.¹⁰³ Thus, I argue that human dignity describes the empathetic process of seeing others as being like you at least on a fundamental basis. In other words, in the context of human rights the development of human dignity is empirically a description of *growing empathy*. Therefore, empathy is intrinsic to the idea of human rights. *This is exactly why empathy is the key to human rights*. This can be explained from a non-traditional, *psychological* historical context.¹⁰⁴ First however it will be explained conceptually why human dignity and equality are intrinsic to the human rights doctrine.

2.3.1. Human Dignity – A “Universal Principle of Equality”¹⁰⁵

Traditionally, what gives human rights more depth than merely being a piece of legislation is the assumption that we all, in theory, have human rights – no matter what national legislations say – because of the very fact that we are human. You only need to be a member of the species *homo sapiens*. This claim is historically quite recent.¹⁰⁶ This tautological reasoning why humans should be endowed with human rights is usually accompanied with the claim that we have *human dignity* and therefore deserve special rights – human rights. For many scholars human dignity is “the ‘ultimate value’ that

¹⁰¹ Yet the “founding fathers” of the Universal Declaration of Human Rights (UDHR) did not have a universal concept of dignity in mind. René Cassin said that human rights are not for the “wild” (see: Professor Osiatyński, 15 May 2013). Why else is the right to self-determination not included in the UDHR? During the adoption of the UDHR there were still colonies.

¹⁰² Hunt, 2007, p. 26.

¹⁰³ Donnelly, 2009, p. 41.

¹⁰⁴ Usually historians speak of psychological reductionism within the field of history because psychological factors, which influence history, are often omitted (see: Hunt, 2007, p. 34).

¹⁰⁵ Donnelly, 2009, p. 12.

¹⁰⁶ Donnelly. 2009, p. 10.

gives coherence to human rights”.¹⁰⁷ The Charter of the United Nations (UN Charter), though not explicitly a human rights document, “reaffirm[s] faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.” The Universal Declaration of Human Rights (UDHR) states in its preamble that “all members of the human family” have an “inherent dignity” and “equal and inalienable rights”. In its article 1 it continues with “all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”¹⁰⁸ The 1976 human rights covenants proclaim “these rights derive from the inherent dignity of the human person”. The Vienna Declaration of the World Human Rights Conference in 1993 states that “all human rights derive from the dignity and worth inherent in the human person”. It is logical that human rights are simultaneously supposed to protect human dignity, and do not only theoretically flow from it, since they can be seen as a tool which protects the inherent inner worth of human beings.¹⁰⁹

Inherently connected to the concept of *inherent* or *human dignity* is the concept of *equality* because every human being shares *equal* dignity on the basis of being *equally* human – thus “human” dignity. Article 1 of the UDHR states explicitly that all human beings are born *equal* in dignity and rights. Since the international covenants talk about *inherent dignity* it is clear that human beings do not have to achieve anything for having dignity and thus dignity is equal in everyone. On top of that, the International Covenant on Civil and Political Rights (ICCPR) contains a general anti-discrimination clause, which is naturally based on the assumption that all human beings are equal and which does not only refer to the rights in the covenant.¹¹⁰ Also the UN Charter talks about the human person as such and not special human persons, which supposes universality and equality for dignity. Article 55 of the Charter additionally provides an equality clause

¹⁰⁷ Donnelly, 2009, p. 3; Hasson, 2003, p. 83.

¹⁰⁸ See also article 22: “Everyone, as a member of society, has the right to [...] the economic, social and cultural rights indispensable for his dignity and the free development of his personality”.

¹⁰⁹ Donnelly, 2009, p. 12.

¹¹⁰ Article 26 ICCPR states that “all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

regarding human rights. There are many more equality-related clauses in international documents. It should be noted that the principles of equality and non-discrimination, the latter being peculiarly important for discrimination cases and hence for this dissertation, are not the same, yet they are based on the same idea. Equality and non-discrimination are usually seen as the positive and negative statements of one idea.¹¹¹ With regard to that, the explanatory report to Protocol 12 of the European Convention on Human Rights, which provides a general prohibition of discrimination in its article 1, states that the principles of non-discrimination and equality are “closely intertwined. The principle of equality requires that equal situations are treated equally and unequal situations differently. Failure to do so will amount to discrimination unless an objective and reasonable justification exists.”¹¹²

Consequently, human dignity and equality, and with equality also non-discrimination, are deeply connected to human rights – one can regard those principles as being the foundation for human rights. In order to understand how to improve human rights, one must understand its foundation. Looking at the historical context, connecting dignity and equality is quite a paradox. The term dignity comes from the Latin noun *dignitas* and can be translated as worth.¹¹³ The term itself did not exist in classical Greece, yet terms like virtue and honour are similar to the conception of worth.¹¹⁴ Dignity served for describing *hierarchical* distinctions,¹¹⁵ and it has historically – until approximately three centuries ago¹¹⁶ – always been seen as describing ranks and hence hierarchies. Dignity has usually been intrinsically inegalitarian. A dignitary, for instance, was of noble descent.¹¹⁷ Also the Judeo-Christian conception of human worth has been deeply hierarchical.¹¹⁸ That dignity has gradually been seen in an egalitarian frame came with conditions of modernity. The amplification of the concept of dignity – toward human dignity – depended on social interaction, which was made possible more through new

¹¹¹ Arnardóttir, 2003, p. 7.

¹¹² *Idem*.

¹¹³ Donnelly, 2009, p. 15.

¹¹⁴ Donnelly, 2009, p. 24.

¹¹⁵ Donnelly, 2009, p. 15.

¹¹⁶ Donnelly, 2009, p. 12.

¹¹⁷ Donnelly, 2009, p. 10.

¹¹⁸ Donnelly, 2009, pp. 17-20.

kinds of media, which stimulated empathy.¹¹⁹ To view human dignity as a particularly Western philosophical concept is deeply wrong in the sense that especially in the West dignity has been seen in such inegalitarian views. Hence, it can be presumed that hierarchical cultures, such as *Hinduism* with its caste system, will gradually adapt to social forces, which come along with conditions of modernity.^{120 121}

2.3.2. The Relevance of Empathy for The Historical Development of Human Dignity and *Human Rights*

Let us for one moment come back to the traditional African value *ubuntu* (“I am because you are”), which originally stems from the language Xhosa which says “*a person is a person through persons*”.¹²² I interpret as meaning that human beings depend on others to be able to exist as healthy human beings. Psychologically, as well as seen from a pragmatic perspective. If nobody recognizes that we are *worthy* to be treated like a human being, we will not be able to live out all the capacities so typical for human animals. For instance, to have dreams and desires which we want to fulfil in the future. Nelson Mandela referred to *ubuntu* with saying that “a traveller through a

¹¹⁹ Hunt, 2007, p. 30.

¹²⁰ Donnelly, 2009, pp. 51-60, 78-84.

¹²¹ This does not mean that in the West there are no hierarchical structures or discrimination. In the West discrimination occurs on every thinkable ground still. Still, the caste system in India is an extreme example of collective norm-abiding, non-empathic behaviour. It is an ancient cultural trait and hence it all the more gives a platform for identification. Although India officially abolished the caste system, people stick to their given “identity”. Social barriers are more rigid (touch across caste elicits disgust as can be seen in: Nussbaum, 2004, p. 89, 116). The more rigid social barriers are, the less empathy there can be felt for “*the other*” since empathy needs social interaction (see: Hunt, 2007, p. 39). In the West, people also stick to “collective identities” (which will be explained), and hence also there discrimination occurs. Yet I argue that in the West, identification with a collective has usually not such deep and mystic roots as in the Hindu caste system and hence it is less “justifiable” to stigmatize one particular group as extreme as the group of the “Untouchables” is stigmatized in India. Still, one should not underestimate the “mystic power” of nationalism, which usually draws its spirit from exaggerated myths (see Wertheimer on “collective memory” in: Wertheimer, 2003, pp. 16-21). Overall, human dignity and human rights are not peculiarly “Western” and thus the debate on cultural relativism is nonsensical. Does not every human being want to live a good life? The growing support for egalitarian human rights depended on empathy, which in turn depends on social structures. Social structures in turn are usually reinforced by cultural traditions. Yet traditionally the West was also deeply hierarchical and inegalitarian. Empathy could cross the boundaries, which were set up by these. Empathy is a faculty of the brain, no cultural trait. Therefore, empathy can lead to egalitarian concepts of human rights in every culture, if the conditions are right for it (Donnelly, 2009, pp. 79-81).

¹²² Halpern & Weinstein, 2004, p. 565.

country would stop at a village and he didn't have to ask for food or for water. Once he stops, the people give him food and attend him.”¹²³ It shows that people need others to exist.

The growing recognition in the 18th century, at least in the West, that dignity applies universally, could be understood historically as the process of being recognized and respected by others, who differ from you at first glance. Dignity thus holds its traditional connection to rank, a rank however which is given to more and more people, the rank of humanity. Abstract words, such as dignity, need to be filled with content.¹²⁴ And this is the content I want to give to it: human dignity, which goes hand in hand with equality (and hence non-discrimination), is deeply connected to *ubuntu* within the context of human rights. Only when conditions of modernity made more people realize that others, who were discriminated before, are persons like them as well, those people had better chances to live a life in dignity. Only with the realization that human beings are all essentially equal, human rights developed. And it is empathy, which made people realize across social boundaries that others are essentially equal.¹²⁵

Lynn Hunt, in her book *Inventing Human Rights – A History*,¹²⁶ follows a psychological approach in explaining how human rights developed historically. The history of human rights has been an extensively discussed topic in academia. Usually it is presented as a linear approach. One could follow the line of human rights from the *Magna Carta*, or the even older *Charter of Kouroukan Fouga*, to the *Lisbon Treaty*. With this approach you determine the date when human rights were born legally.¹²⁷ Yet it is more important to understand what psychological *factors* contribute to the development of human rights in order to improve them. However, academia concerned with the history of human rights has largely refrained from analysing the psychological aspects influencing human

¹²³ Interview with Nelson Mandela, 2006.

¹²⁴ Some even argue that human dignity is such a vague and abstract notion that “the term is so elusive that it is virtually meaningless” (see: Bagaric & James, 2006, p. 260).

¹²⁵ Hunt, 2007, p. 40.

¹²⁶ Amartya Sen says about Hunt’s book that “this is a wonderful history of the emergence and development of the powerful idea of human rights, written by one of the leading historians of our time” (see: Hunt, 2007, back of the book).

¹²⁷ Often the American and French Declarations of Independence are cited for the birth of human rights (see: Hunt, 2007, pp. 15-34; Donnelly, 2009, pp. 40-44).

rights.¹²⁸ ¹²⁹ Lynn Hunt tries to explain the human rights progress by illustrating how empathy develops through a higher awareness of human rights abuses and thereby shapes our moral understanding. Her *universal* theory, when applied on the historical events and their philosophical foundations, which led to the adoption of the UDHR, could offer a deep explanation to the history of human rights and could even provide possible predictions for the future. Hunt therefore represents an unconventional, but perhaps more explanatory approach to the history. To explain her approach, it is useful to start with Hunt's concepts of the prerequisite of *self-evidence* of human rights. "We hold these truths to be *self-evident*, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights [...]" This first sentence of Jefferson's human rights proclamation is echoed by the UDHR, stating "*whereas* recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom [...]" *Whereas* literally means *it being the fact that*. The self-evidence of human rights is seen by Hunt as a starting point of their translation into politics.¹³⁰ Self-evidence depends primarily on an *emotional appeal*, stimulated by empathy. In other words, the self-evidence of human rights and their political content depend on an inner emotional process.¹³¹ The emotional process connected to the ability to recognize human rights is inherent in human beings and therefore the interior feeling of "*droit naturel*" is "common both to the philosopher and to the man who has not reflected at all", as Diderot already pointed out in the year 1755.¹³² That also non-

¹²⁸ Hunt, 2007, p. 34.

¹²⁹ For instance, according to the historian Michelle Ishay the 28 articles of the UDHR, which is the first *universal* human rights document, can be schematized into four pillars, which all illustrate major historical steps (see: Ishay, 2008, pp. 3-18). The first pillar, *human dignity*, consists of the first two articles. Human dignity, within human rights talk, is usually based on the German and hence Western philosopher Kant. Kant's philosophy tremendously influenced the human rights doctrine (see: Ferry, 2010, p. 144). The second pillar illustrates civil and political liberties, which were carved out during the 18th century *European Enlightenment*. The third pillar depicts social, economic and cultural rights, and was fought for during the *industrial revolution* in Europe. The fourth pillar stands for collective rights, which were predominant throughout the *post-colonial era* (see: Ishay, 2008, pp. 3-4), and, one could argue, "granted" by the former Western colonial powers. Such an approach makes it seem that the history of human rights is essentially a history of the West – although it should be mentioned that Ishay explains that there has been a major multicultural influence on the drafting process of the UDHR (see: Ishay, 2008, pp. 16-18). Yet her approach does not elucidate that human rights essentially depend on the psychology of individual minds.

¹³⁰ Hunt, 2007, pp. 16-21.

¹³¹ Hunt, 2007, pp. 26-27.

¹³² Hunt, 2007, p. 26.

philosophers can come to understanding that people deserve human rights is important for curbing human rights violations. It should be added that reason is of course important as well in the process of cognitively understanding the so-called self-evidence of human rights.¹³³ Still, the emotional appeal needs to be there first.

The emotional process, which Hunt claims to be the catalyst for the development of new notions of human rights, is stimulated by *empathy*. Empathy describes the process of recognizing that others feel and think as we do.¹³⁴ Empathy makes us *recognize* how others feel, and it can translate into an emotional appeal, which makes us *feel* with the other. In other words, it is the ability to feel *with* the other, to feel *the same* as the other, no matter if she stands in front of us, or if she is depicted through the newspaper, a novel, or any other piece of reading or art, as Hunt argues.¹³⁵ By reading especially epistolary novels (a new kind of media), Hunt argues, people learned to empathize across “traditional social boundaries”.¹³⁶ That people are capable to feel empathy for “*the other*”, who is not very close, will be important for the second chapter. Famous epistolary novels were especially Richardson’s *Pamela* (1740) and *Clarissa* (1747-48) and Rousseau’s *Julie* (1761) – “the three greatest novels of psychological identification”¹³⁷ – which were eagerly read at the same time as fundamental “self-evident” rights were proclaimed with the American (1776) and French (1789) declarations of independence - the historian Lynn Hunt claims that this is no coincidence. One should be critical of referring to these documents as *true* human rights documents because neither were women granted equal rights, nor was slavery abolished by the American Declaration, nor were non-French granted the rights in the French Declaration.¹³⁸ ¹³⁹ Yet they were adopted in a time when more and more before stigmatized groups were granted rights. Hunt states in her book that

¹³³ Hunt, 2007, pp. 67-27

¹³⁴ Hunt, 2007, p. 29.

¹³⁵ Hunt, 2007, p. 30.

¹³⁶ Hunt, 2007, p. 40.

¹³⁷ Hunt, 2007, p. 39.

¹³⁸ In the same fashion you could argue of course that the UDHR back then was not truly a human rights document since the right to self-determination for the colonized people was not included.

¹³⁹ It should be noted that in the introduction it was stated that Kant gave stimulus to the French Revolution. I argue that it was the influence of both Kant and empathy which led to the French Declaration. Kant’s ideas on equality provided a good philosophical platform to base the revolution on.

“[...] the newfound power of empathy could work against even the longest held prejudices. In 1791, the French revolutionary government granted equal rights to Jews; in 1792, even men without property were enfranchised; and in 1794, the French government officially abolished slavery. Neither autonomy nor empathy were fixed; they were skills that could be learned, and the “acceptable” limitations on rights could be – and were – challenged. Rights cannot be defined once and for all because their emotional basis continues to shift [...]”

Even military men wrote to Rousseau about how deeply they could identify with the female protagonist of his novel – *Julie*.¹⁴⁰ The readers realized that even someone from a different class, rank or even gender was equal in a fundamental way.¹⁴¹ It is no surprise then to recall the fact that the concept of human dignity also coincides with conditions of modernity, which made the distribution of novels possible. Empathy was felt for more and more people and, as I argue throughout this dissertation, Hunt also sees morality to be deeply connected to empathy.¹⁴² Through empathy you understand that someone else, who is so distinct from you, is in an imaginative way like you. Through empathy you can identify with “*the other*”.¹⁴³ Hunt uses the term “imagined empathy”,¹⁴⁴ which illustrates that empathy does not need someone else standing in front of you, but can also be felt towards others, possibly also whole groups of discriminated people, who are described through literature. This is complemented by psychologist Martin Hoffman, who claims that people are theoretically able to feel empathy in non-immediate situations (you could simply read about the plight of someone) and across social boundaries.¹⁴⁵

Maybe Kant’s writings were the flame that was needed to start the revolution. At the same time, empathy was naturally needed, I argue, to actually feel that Kant’s ideas are a good philosophical stimulus. Only through empathy the revolutionaries felt that it would be right to give rights to more classes of people. Yet at the same time there was no enemy felt for the enemies, who were brutally murdered as is well known (see: Rudé, 1961, p. 27). Overall I argue that any big philosophical idea needs to be felt in order to believe in it. As Hunt argues, there needs to be an emotional appeal first.

¹⁴⁰ Hunt, 2007, p. 47.

¹⁴¹ Hunt, 2007, p. 48.

¹⁴² Hunt, 2007, p. 54.

¹⁴³ Hunt, 2007, p. 55.

¹⁴⁴ Hunt, 2007, p. 32.

¹⁴⁵ Slote, 2007, pp. 14-15.

It can be seen that human rights depended (and still depend) on the inner feeling of empathy. Convictions depend on inner feelings. Every philosophical idea, tradition, and legal doctrine stems from some sort of conviction, from some sort of inner feeling. It could be argued that Kant's universal concept of freedom and equality arose from some sort of Kant's inner conviction. I will explain in chapter two how emotions and reason – including convictions – are related. One could argue that without the feeling of empathy, the *idea* of human dignity and human rights would have never emerged. At first glance it seems exaggerated to claim that human rights developed through epistolary novels to a great extent. Through novels however it becomes possible to be dragged in to the life of someone totally different from you. As soon as you take time to listen to the story of someone, who seems so different, you realize that this very someone is not really different. As will be shown later, this applies also to reality. As soon as someone is genuinely confronted with “*the other*”, more empathy can be felt for the prejudiced other. For Hunt

“Everyone would have rights only if everyone could be seen as in some fundamental way alike. Equality was not just an abstract concept or political slogan. It had to be internalized in some fashion.”¹⁴⁶

Empathy leads to equality not being a mere abstract concept. This is what I stated already in the introduction. Kant was wrong when he claimed that equality can only be explained through abstract reason. Related to that, Diderot stated that the effect of the novel is unconscious and that

“One feels oneself drawn to the good with an impetuosity one does not recognize. When faced with injustice you experience a disgust you do not know how to explain to yourself.”¹⁴⁷

This reminds of Rousseau's theory that people are inherently good, yet that it is because of society that they become evil.¹⁴⁸ And as will be shown it is indeed because of social constructs, which lead to believing in collective identities, that people exclude “*the other*”, discriminate her, and even use violence.

¹⁴⁶ Hunt, 2007, p. 27.

¹⁴⁷ Hunt, 2007, p. 56.

¹⁴⁸ Bertram, 2013, chapter 1.

2.3.3. A Contemporary Example how Empathy Develops Human Rights through Arts: Female Genital Mutilation in Literature – from “Rite” to “Mutilation”

An example, which illustrates how novels but also other kinds of art, such as theatre,¹⁴⁹ influence human rights, can be found within the context of female genital mutilation (FGM)¹⁵⁰. There are many novels about FGM which show that by identification with the protagonist and thereby recognizing the equality of her, the reader realizes that the victims of FGM have an equal inner worth and deserve protection. Certain Muslim collectives from 28 African and Arab countries practice what has been usually called “circumcision” or a “rite”; now however the practice is often referred to as a “mutilation” within human rights talk. The United Nations Decade for Women (1975-1985) led the women’s movement to achieve a change in the terminology.¹⁵¹ The mutilation can, for instance, involve cutting away the clitoris, thereby leading to unbearable pain.¹⁵² More and more mutilated women however started writing about their experiences; they followed an “autobiographical impulse” in order to demonstrate how inhumane FGM is. Taking a similar approach, early abolitionists advised slaves, after they had been freed, to write down their stories in order to get more support for the abolitionist movement.¹⁵³ Through and within the autobiographies, the term *rite* was more and more being declared a *mutilation*.¹⁵⁴ Seen through Hunt’s theory, it needed autobiographies, in order to make the international community suffer with the victims and bring the topic of FGM, which is now human rights terminology, to the fore. The United Nations 4th Conference in Beijing explicitly classified FGM as violence against

¹⁴⁹ Examples being Chuck Mike’s *The Tale of Ipko: Sense of Belonging* and Juliana Okoh’s *Edewe: the Dawn of a New Day* (see: Zabus, 2004, p. 127).

¹⁵⁰ FGM is also a good example for the debate on cultural relativism, especially since many governments try their best to abolish the practice; however, the societies continue following that tradition (see: Professor Kędzia, 14 June 2013). This example shows that human rights violations are committed by individuals – and that hence individuals must learn to feel empathy for potential victims. In this case the patriarchs, but also the women, who actively or passively support FGM, need to look through the norms and ideas, which make FGM seem a good practice, and feel empathy for the young girls.

¹⁵¹ Zabus, 2004, p. 111.

¹⁵² Zabus, 2004, p. 114.

¹⁵³ Hunt, 2007, p. 66.

¹⁵⁴ Zabus, 2004, p. 116.

women – similar to battering, rape, sexual abuse, and forced prostitution.¹⁵⁵ Yet the autobiographical literature on FGM, examples being Waris Dirie’s novel *Desert Flower* and Saida Hagi-Dirie Herzi’s short story *Against the Pleasure Principle*, often do not arrive emotionally at the patriarchs who clandestinely insist on the “rite”,¹⁵⁶ and at the women, who are under peer pressure and often still think that “a normal clitoris [grows] to the size of a man’s penis” if they do not undergo the “rite”.¹⁵⁷ Admittedly, it is difficult to say what exactly made the international community aware that the practice of FGM is cruel and inhumane. Yet, how else could outsiders from the communities have really felt that FGM is wrong if not through autobiographical reports? Identification with someone works via an emotional appeal – an emotional appeal which is called empathy. Someone’s mirror neurons are best stimulated when one is touched deep inside – and this is very well achievable through different kinds of arts. The international community would probably be indifferent towards FGM if there had not been reports, may it be in novels, theatre, or even realistically described legal documents, on the practice. I myself read Waris Dirie’s *Desert Flower* when I was fourteen. I will never forget certain parts of the book and I have a bad feeling inside myself when I hear about anything related to FGM. Of course the reader is not the same as the discriminator – and in this case it is difficult to identify the discriminator -¹⁵⁸, yet what can be seen is that empathy reaches across different cultures, even across different continents.

2.4. Conclusion and Reflection of Chapter One

Empathy is a universal faculty, which can be described as being the gate to the subjectivity of others. Through empathy people realize that humans are all equal in a fundamental fashion. An egalitarian concept of human dignity and hence human rights

¹⁵⁵ Zabus, 2004, p. 129.

¹⁵⁶ Zabus, 2004, p. 119.

¹⁵⁷ Zabus, 2004, p. 130.

¹⁵⁸ Is it the patriarchs, or is it the “culture” itself, which oppresses the women? Many women even voluntarily undergo the practice when they are adults already in order to gain a sense of belonging to a certain collective and get a “we-feeling” from it (see: Zabus, 2004, p. 128).

could develop via empathy. Especially through literature people learned to feel empathy for people, who seem quite different from them at first glance. Lynn Hunt plausibly argued that only through empathy human rights developed as they did – people felt empathy through different social borders. People, who were discriminated before, were discriminated less. Through empathy an outsider can become seen as being like oneself. Only through empathy human interaction is genuinely possible – so how could human rights be possible without empathy? One might still ask: what is the added value of this dissertation in light of Hunt’s theory? I explain more closely why empathy is a moral principle and in chapter two I will be giving a broader picture for empathy. It will be explained why “collective identities” impair empathy. Through this explanation it can be understood why empathy does not always work and that Hunt’s theory almost seems too romanticized. It almost seems that all people need to start reading novels in order to achieve absolute empathy.¹⁵⁹ However, when people are extremely norm-abiding and identify with a certain normative system - which constitutes a certain collective – they can be extremely group-centric and prejudiced against certain out-group individuals. That leads to being little open (due to an “empathy gap”) to truly perceive “*the other*” and hence his fundamental equality. For that it needs really specific accounts of the feelings of the prejudiced other; simply describing *anyone’s* feelings, as in case of Rousseau’s *Julie*, is not enough.¹⁶⁰ It needs true contact with the prejudiced other, either through literature or even better through personal meetings with a prejudiced individual,¹⁶¹ in order to overcome prejudice. What is more, others of one’s collective need to overcome that prejudice too and admit it. Otherwise group-pressure can be too strong to truly admit that the prejudice was unjustified.¹⁶²

¹⁵⁹ In this regard it should be added that “lower classes” generally read less novels (see: Hunt, 2007, p. 41).

¹⁶⁰ It should be added that Hunt mentions that blacks were encouraged to write down their feelings in order to support the abolitionist movement (see: Hunt, 2007, p. 66).

¹⁶¹ Feeling empathy for a out-group member of a discriminated group raises the chance that the whole group will be more accepted (see: Batson et al, 1997, pp. 105-118). See also: Swart et al, 2011, pp. 1221-1238.

¹⁶² Halpern & Weinstein, 2004, p. 577.

3. The Reality: Impaired Empathy

Empathy can be seen as the gate to “*the other*”, as connecting individual minds and thereby making them realize that they are the same in some fundamental way.¹⁶³ However, it does not seem to function without hindrance since there are countless instances of discrimination. People, who are extremely involved with their collective identity, deeply *fear* to lose the superiority of their identity, and thereby a strong “own” identity, when they accept that “*the other*” is essentially equal.¹⁶⁴ The individual identities of the collective are usually weak in the sense that they draw their dignity from the collective history or idea, which is often euphemized, instead of making their very own, *ambivalent* experiences.¹⁶⁵ *Ambivalence*, depicted by outsiders of the collective, but also by people from the collective, who deviate from the norm, threatens the superiority of the collective.¹⁶⁶ Moreover, a so-called “*empathy gap*”,¹⁶⁷ and in extreme cases even the feeling of *disgust*,¹⁶⁸ impairs empathy for out-group members, which makes people rationalize their discriminating, sometimes even dehumanizing, behaviour. How exactly do emotions, such as fear and disgust, influence our capacity to take rational decisions? Emotions influence rationalized discriminatory decisions and, ironically, discrimination needs to be minimized through positive emotions – which are stimulated by empathy.

3.1. “*I feel, therefore I am*”¹⁶⁹

One might ask why human ability to reason is not enough for moral behaviour. On the surface, human rights are protected by legal norms – law is usually seen as highly reasonable. But where, one might ask, does this reasoning about egalitarian human

¹⁶³ See for instance: Gruen, 2013, p. 11; Gallese, 2001, p. 44; Kohut, 1977, p. 306.

¹⁶⁴ Gruen, 2013, p. 55-58; Wertheimer, 2003, p. 32, 39; Tajfel, 1982, pp. 33-36.

¹⁶⁵ Wertheimer, 2003, p. 37.

¹⁶⁶ Wertheimer, 2003, pp. 39-40.

¹⁶⁷ Gutsell & Inzlicht, 2012, pp. 596-603.

¹⁶⁸ Harris & Fiske, 2011, pp. 175-180.

¹⁶⁹ This is the literal English translation of the German translation (“*Ich fühle, also bin ich*”) of Antonio Damasio’s book *The Feeling of What Happens* (see: Damasio, 2000).

rights come from? How did Kant come to the conclusion that equal respect for every human being can be deduced from his abstract universal concept of freedom and equality?¹⁷⁰ While at the same time he was led by irrational prejudice when he claimed that women are not reasonable enough for politics.¹⁷¹ Emotions influence reason. Why would that be important for this dissertation? Without the “right” emotions – which include feeling empathically with “*the other*” – it cannot be guaranteed that one does not arrive at rationalized discriminatory decisions. And different groups often feel the “wrong” emotions, such as fear and disgust, for “*the other*”.

The nature of human consciousness is important to understand that our rational capacities are connected to emotions. The French philosopher Rene Descartes introduced a theory of philosophical dualism in the 17th century. It essentially means that body and mind are separated, entailing that human consciousness reasons without interference of emotions.¹⁷² Around the same time, the Dutch philosopher Benedict de Spinoza introduced a philosophical monism and he argued that body and mind are deeply connected, meaning that emotions influence the reasoning process heavily.¹⁷³ Descartes, and by the same taken Kant, have been credited more within Western philosophy – which is why *reason* has been praised so much within human rights law.¹⁷⁴ Kant bases his moral philosophy on the assumption that we should base our moral decisions on reason *only*.¹⁷⁵ Only the moral *law* of reason can determine the worth of human beings, not feelings.¹⁷⁶ Kant sees moral values, which are not recognized solely by one’s own will and therefore by one’s reason, as being merely feelings.¹⁷⁷ Yet according to Kant, feelings are “fleeting, relative and contingent [and] [a]s such they cannot ground a necessary and universal moral law”.¹⁷⁸ Thus, he claims that moral values must come from reason to be valuable. With reason we can deduct

¹⁷⁰ Dybowski, 2013; Gosepath, 2011, chapter 2.3.; Donnelly, 2009, pp. 20-23.

¹⁷¹ Barreto, 2006, p. 80.

¹⁷² Robinson, 2013, chapter 1.

¹⁷³ Plumptre, 1979, pp. 3-5, 29.

¹⁷⁴ White, 2011, pp. 1-10; Ferry, 2010, p. 146; Gosepath, 2011, chapter 2.3.

¹⁷⁵ Sensen, 2011, p. 2.

¹⁷⁶ Idem.

¹⁷⁷ Sensen, 2011, p. 4.

¹⁷⁸ Idem.

principles, such as the *formula of humanity*: “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.”¹⁷⁹ The *formula of humanity* and the well-known *categorical imperative* are essentially the same.¹⁸⁰ Related to the assumption that humans should be treated as ends is the connection between the ability to reason and dignity. People have dignity because they can reason and thus they should be treated as ends.¹⁸¹ For Kant, we should never listen to external authorities only, but always to our own inner moral laws.¹⁸² On the other hand, in his *Treatise of Human Nature* Hume held that “reason is merely a slave of the passions”, meaning that only passions motivate humans,¹⁸³ and morality, *given by reason only*, would not exist. It should be added that Hume believed in reason as helping in choosing between alternatives. Yet it could not itself lead to morality. For Hume, the moral agent is “warm, sensitive and sympathetic”.¹⁸⁴ It was more Kant and indirectly Descartes and less Hume and Spinoza, who influenced the human rights philosophy. Kant’s formula of humanity is often used to justify human dignity, and often the judiciary tries to base its reference to dignity on Kant’s highly rational philosophy.¹⁸⁵ Emotions and feelings have largely been overlooked within human rights philosophy. The most of the 20th century emotions were usually seen as being too subjective and the opposite of reason.¹⁸⁶ For Kant, it is not within our reason’s capacity to look behind the senses,¹⁸⁷ and to analyse the motivations arising from emotions and feelings. However, that is around 230 years ago and today neuroscience and psychology are much more advanced.

It has been shown through psychology and neurosciences that reason and rationality both need emotions. Emotions guide reason to be aware of problems, select a solution

¹⁷⁹ Sensen, 2011, p. 5.

¹⁸⁰ Idem.

¹⁸¹ Idem.

¹⁸² Idem.

¹⁸³ Sensen, 2011, p. 19.

¹⁸⁴ Barreto, 2006, p. 101.

¹⁸⁵ White, 2011, p. 2.

¹⁸⁶ Damasio, 2000, p. 53.

¹⁸⁷ Sensen, 2011, p. 21.

and discriminate against other possible solutions.¹⁸⁸ According to neuroscientist Antonio Damasio,¹⁸⁹ human reasoning depends on emotions,¹⁹⁰ since consciousness and emotions are inseparable.¹⁹¹ For Damasio, human beings developed a consciousness, a precondition to reason, since it was beneficial for survival.¹⁹² Emotions and feelings have long existed before. Only through emotions and feelings we can interact with the environment and we store the collected information consciously and subconsciously.¹⁹³ According to Damasio, only through consciousness human beings were able to morality and social and political organization.¹⁹⁴ Thus, morality and hence human rights needs both reason and emotions. Emotions are connected to complex ideas, values, principles, and judgments.¹⁹⁵ That emotions are needed for rational decisions was proven in studies, in which Damasio showed that certain people had problems making rational decisions after they suffered neurological damage in the prefrontal lobe, which led them to lose a certain category of emotion. They were still able to recall their knowledge and solve logical problems. However, many of their decisions, which had an impact on their *social* and hence moral life, were suddenly irrational.¹⁹⁶ ¹⁹⁷ ¹⁹⁸ Most strikingly and probably the reason why Kant thought himself as being able to arrive at moral laws without the involvement of emotions: emotions can act subconsciously. Sometimes we do not really know the reason for a decision.¹⁹⁹ Yet, people tend to believe that they always know the reasons for action and hence rationalize their decisions²⁰⁰ – which I will argue particularly applies to discrimination.

¹⁸⁸ West-Newman, 2005, p. 312-313.

¹⁸⁹ Jerome Kagan, Professor of psychology at Harvard University, says about Damasio's book *Descartes' error* that it is "challenges the dogma that emotions interfere with wise decisions, and that places feelings in their proper role in human functioning. David Hume should be smiling" (see: Damasio, 1994, II).

¹⁹⁰ Lagerlund, 2007, p. 15; Damasio, 1994, p. 226.

¹⁹¹ Damasio, 2000, p. 28, 37-41, 164.

¹⁹² Damasio, 2000, pp. 70-72.

¹⁹³ Damasio, 2000, pp. 57-58.

¹⁹⁴ Damasio, 2000, p. 14.

¹⁹⁵ Damasio, 2000, p. 49.

¹⁹⁶ Damasio page 56

¹⁹⁷ It should be added that also too strong emotions lead to irrational decisions, which is why both emotions and reason are needed for rational decisions (see: Damasio, 2000, p. 57).

¹⁹⁸ Read: The Strange Case of Phineas P. (a well-known 19th century case telling the story of a man who turned completely immoral after brain damage) in Damasio, 1994, abstract.

¹⁹⁹ Damasio, 2000, pp. 59-66.

²⁰⁰ Loewenstein et al, 2001, pp. 267-286.

That emotions can subconsciously influence decision making is important for understanding that the most horrible acts of discriminating behaviour can be rationalized (for instance, “*Jews are evil and need to be extinguished*”) without being conscious of the negative emotions, such as fear²⁰¹ and disgust,²⁰² which bias the decision. Prejudice is rationalized and an “*empathy gap*” for “*the other*” develops.²⁰³

3.2. An Abstract World Without Empathy

According to Rousseau, human beings are naturally good, whereas for Hobbes human beings are intrinsically egoistic – some might call it bad. Does one of these ways lead to the answer why people become intolerant toward “*the other*”? The answer is difficult, but what is known is that humans are intrinsically human – which means that they are *ambivalent* and can act in either good or bad ways. The human condition gives room for empathy, but also for evil deeds – often when empathy is oppressed²⁰⁴. In the end, the human “nature” is heavily influenced by culture,²⁰⁵ and therefore it is crucial to understand in what way culture can make humans intolerant.

Human empathic capacities develop together with the autonomic nervous system, and it crucially depends on the interaction between mother and the evolving foetus. The empathic development seems to take place in the right cerebral hemisphere.²⁰⁶ After birth of the child the empathic development is not finished. It depends on loving relationships, based on understanding and trust (especially towards the parents).²⁰⁷ According to Gruen, the more authoritarian and disciplined a child grows up, the less its empathic capacities develop in the right cerebral hemisphere. The capacity for abstract

²⁰¹ Gruen, 2013, p. 55-58; Wertheimer, 2003, p. 32, 39.

²⁰² Harris & Fiske, 2011, pp. 175-180.

²⁰³ Gutsell & Inzlicht, 2012, pp. 596-603.

²⁰⁴ Arno Gruen claims that people are intrinsically good if their empathic capacities are not oppressed. In fact, before the times of big civilizations, which led to strictly norm-abiding cultures in order to be sustained, there has been no senseless violence as in cases of torture. Aggression belongs to the human condition – however not used arbitrarily (see: Gruen, 2013, pp. 21-36).

²⁰⁵ Barreto, 2006, p. 103.

²⁰⁶ Gruen, 2013, p. 27; Holowka & Pettito, 2002, p. 1515.

²⁰⁷ Gruen, 2013, p. 11-14.

thinking, which is usually associated with the left cerebral hemisphere, develops proportionally more.²⁰⁸ When people obey norms, they do not use their empathic capacities, which enable humans to perceive the reality (of “*the other*”) directly.²⁰⁹ This is mirrored in Kohut’s explanation, which suggests that empathy makes humans able to understand the needs and wants of others by cognitively understanding and emotionally feeling them. Empathy makes it possible to collect data of other humans.²¹⁰ Conversely, obeying norms is a precondition to be prejudiced;²¹¹ prejudice is certainly not the mirrored reality of “*the other*”. This assumption therefore supports Gruen’s theory. Obeying abstract norms and ideals makes the child, and later the adult person, see the world through an abstract template. Gruen talks about a “reduced consciousness” when people identify with certain norms and believe in abstract ideas more than trusting their own personal perceptions.²¹² The more people are taught to identify with certain norms and ideas, the more their abstract thinking develops and the less they are able to simply *feel* the world and,²¹³ more importantly, the equality of “*the other*”.²¹⁴ Julian Jaynes demonstrated through a study that human ability to learn, and to perceive reality through empathy is weaker, the higher the belief in abstract ideas, such as national pride.²¹⁵ People are less open to perceive the environment when they simply obey preformed norms and ideas – this is what basically impairs empathy. This theory is complemented by psychologist Martin Hoffman, who holds that the development of a child’s empathic capacities depends on so-called “induction”. This entails that when a child hurts someone else, it should be asked to imagine this pain, which will lead to feeling empathy and a guilty conscience. By this, altruistic motivation is internalized. Hoffman further holds that a “power-asserting” and hence authoritarian attempt to moral discipline, which either threatens the child if it does not comply with moral rules or which simply cites moral precepts, is worse than “induction” for the altruistic

²⁰⁸ Gruen, 2013, pp. 26-27.

²⁰⁹ Gruen, 2013, pp. 11-14, 44-46, 58-63, 105-118; Wertheimer, 2003, p. 37.

²¹⁰ Kohut, 1977, p. 306.

²¹¹ Duckitt et al, 2002, pp. 75-93; Plois, 2012-2013.

²¹² Gruen, 2013, p. 26.

²¹³ Gruen, 2013, p. 12, 105-117; Wertheimer, 2003, p. 36.

²¹⁴ It could be added to this that it has been found in an experiment that people cannot think emotionally – in the form of empathy – and rationally, or better to say abstractly, at the same time (see: Paddock, 2013).

²¹⁵ Gruen, 2013, p. 30.

development.²¹⁶ Morality cannot be solely based on abstract moral rules – it needs to be developed via empathy. At the same time however Hoffman holds that abstract conceptual and linguistic skills and more personal and inter-personal experiences lead to a more “mediated” form of empathy.²¹⁷ That means that humans can learn how to feel empathy not only for persons directly standing in front of them, but also for future or hypothetical situations, different social groups, such as different races, nations, or ethnicities.²¹⁸ Consequently, human abstract thinking is indeed important to feel empathy in situations of complex human miseries.²¹⁹ Needless to say, this ability is crucial to solve complex human rights problems and to erect truly fair and hence humane democracies. Yet, the cleverness in the sense of understanding complex moral situations and the cleverness of being able to apply rules are not the same. As has been shown here, a disciplined, norm-loving person will probably be less altruistic and thus less moral than a person who learned morality through empathy.

What is more, empathy is needed in order to form a strong individual identity,²²⁰ which, in turn, is important to view norms critically and not be absolutely influenced by them. Identity formation crucially depends on perceiving the environment without being influenced by norms.²²¹ If people are too heavily influenced by norms, they become uniform and the accepted behaviour is not ordered by one’s own emotions and reason, but by the opinion of the collective which issues the norms. Thereby the collective’s opinion essentially becomes one’s own opinion.²²² Obedience to norms does not only mean that people obey because they fear punishment. Initially, people obey because they *fear* not to be accepted by other people otherwise.²²³ Moreover, people are more group-centric and attached to norms if they feel to live in a dangerous world.²²⁴ Obeying

²¹⁶ Slote, 2007, p. 15.

²¹⁷ Slote, 2007, p. 14.

²¹⁸ Slote, 2007, pp. 14-15.

²¹⁹ *Idem*.

²²⁰ John Riker claims that poorly developed empathic capacities lead to low self-esteem and self-disorders (see: Riker, 2010, pp. 15-18).

²²¹ Gruen, 2003, pp. 1-8; Gruen, 2013, p. 30.

²²² Wertheimer, 2003, pp. 40-43; de Zavala et al, 2009, pp. 1074-1096.

²²³ Gruen, 2013, pp. 30-31.

²²⁴ Duckitt et al, 2002, pp. 75-93.

norms gives a feeling of security²²⁵ – a security which however depends on the stability of the collective. Hence, people need to learn how to deal with insecurity in order to be independent from norms.²²⁶ Interestingly, Kant’s desire for the autonomous moral agent can only be fulfilled by autonomous, not uniform, people. This is why the moral agent needs empathy and should not, as Kant wishes, oppress emotions.

That obedience to abstract norms and ideas, such as national pride, leads to less empathy has already been suspected in 1944 by Theodor Adorno and Max Horkheimer in their culture critical *Dialectic of Enlightenment*. In a pledge for emotions to be regarded as being the basis for an ethics of human rights, Jose-Manuel Barreto sets Adorno’s and Horkheimer’s theory into a human rights context. Adorno and Horkheimer dramatically assert that Kant has been the antecedent of the *Holocaust* due to the emphasis on rationalist philosophy.²²⁷ For them modern rationalistic and hence norm loving culture is apathetic (as opposed to empathic) and could lead to the Nazi era.²²⁸ As already explained, for Kant morality can only stem from inner moral laws.²²⁹ Adorno and Horkheimer go a step further and explain how Kant’s rationalistic philosophy was taken by the German culture into being a philosophy of absolutely obeying duties.²³⁰ Kant’s philosophy has influenced the German culture very much, and through the Holocaust Kant’s philosophy defeated itself because one can see that everything can be rationalized. Yet one should be aware that certainly Kant did not want everything to be rationalized. The theory on how abstract norms influence empathic capacities *and* the theory on how the Germans followed orders apathetically illustrate how identification with norms and belief in abstract ideas or constructs, such as “*the nation*”, makes people behave discriminatory. Not only Adorno and Horkheimer, but also, for example, Rorty,²³¹ Nussbaum, Baier, and Ward focused on moral sentiments

²²⁵ Brückner, 1976, p. 110.

²²⁶ Idem.

²²⁷ Barreto, 2006, p. 73.

²²⁸ Idem.

²²⁹ Sensen, 2011, p. 2.

²³⁰ Barreto, 2006, p. 74.

²³¹ Rorty sees moral sentiments as the basis for morality and proposes an *ethics of sympathy as an ethics of human rights*. He also sees arts and literature as being important for “sentimental education” and thus for human rights. He furthermore claims that sentimental education can make people abandon their

as a reaction to Kant's moral philosophy.²³² For Adorno and Horkheimer the fact that the Holocaust happened in the middle of Europe, where rationalization was at its peak (hard discipline was for instance taught in schools),²³³ proves that the project of the Age of *unsentimental* Reason²³⁴ has failed.²³⁵ Reason has been abused to control the natural capacities to feel empathy.²³⁶ Adorno and Horkheimer turn Kant's precept of not giving in to emotions into a "duty of apathy".²³⁷ They go even a step further and say that *Kant is Sade* because both value to act without feelings.²³⁸ Of course Kant's philosophy is not sadistic at all (think about his *formula of humanity*); yet this is to show how much abstract reasoning can influence moral behaviour. As Musil said, the man without sentiments is desired by Kant.²³⁹ At the same time you could argue the (wo)man without sentiments is the ideal of any collective since norms are not questioned. I am arguing that for Kant's desire of the autonomous moral agent to become true, the moral agent must also become autonomous over her sentiments and not oppress them. Emancipation can only succeed if one does not sink into fixed norms and thereby cannot see empathically how "*others*" are basically the same. Even if it is very disputable that the majority of the Germans was Nazis and therefore did not actively *want* the Holocaust to happen, it is clear that at least a great portion of *indifference* could lead to such extreme atrocities in the middle of "civilization". For Adorno, lacking identification with others, which results from a lack of empathy,²⁴⁰ made this indifference possible.²⁴¹ Adorno and Horkheimer are both therefore in favour of giving more weight to sentiments in the

ethnocentrism (which I generally call group-centrism here to include all ways of feeling as a group and not only ethnicity) by imagining to be the other (see: Barreto, 2006, pp. 98-105). Rorty essentially supports my theory. Yet my theory goes more into depth why human beings feel less empathy for out-group members. The added value of my theory is that I examine the "identity problems" of collectives. Moreover, I explain more why exactly empathy (and not sympathy) serves as the basis for morality.

²³² Barreto, 2006, p. 74.

²³³ Barreto, 2006, p. 86.

²³⁴ My terminology.

²³⁵ Barreto, 2006, p. 77.

²³⁶ Barreto, 2006, p. 79.

²³⁷ Barreto, 2006, p. 80.

²³⁸ *Idem*.

²³⁹ Barreto, 2006, p. 84.

²⁴⁰ Adorno himself refers to the term sympathy for identification with others.

²⁴¹ Barreto, 2006, p. 92.

realm of ethics.²⁴² What is more, Adorno pledges for the construction of a more sentimental culture, or ‘paideia’ in order to make sure that Auschwitz never happens again.²⁴³ For him, art and literature should function as an emotional appeal and make people think about human cruelty.²⁴⁴ I argue that art and literature, which are capable of touching the consuming individual deep inside, are likely to evoke “imagined empathy” for the portrayed victims.

Strict adherence to abstract norms leads to impoverished capacities for empathy. Being less empathic due to strict adherence to abstract norms is related to another already indicated phenomenon; namely that of *collective identity*. This phenomenon is always abused when genocide is committed.²⁴⁵ Perceiving the world through abstract norms makes people move away from reality; they draw their identity from norms and from the collective, which issues these norms. People, who identify extremely with a certain collective, draw a “we-feeling” from excluding “*the other*”.

3.3. Collective identity

Collective identity here means that an individual identifies so strongly with the norms and ideas of a certain collective that the individual identity is composed largely by the collective.²⁴⁶ ²⁴⁷ If someone identifies so much with a collective that he values the “we-feeling” higher than the “I-feeling”, the collective identity can influence the individual so much that even irrational or discriminating norms are applied.²⁴⁸ Blind identification with an entity, based on, for instance, nation or race, can lead to demarcation from

²⁴² For Horkheimer, when people genuinely witness the pain of others, they identify with the suffering individual and feel sympathy (see: Barreto, 2006, p. 96). Horkheimer definition of sympathy is basically the same as what I present as empathy.

²⁴³ Barreto, 2006, p. 89.

²⁴⁴ Barreto, 2006, p. 91.

²⁴⁵ Wertheimer, 2003, pp. 9-49.

²⁴⁶ Wertheimer, 2003, pp. 40-43; de Zavala et al, 2009, pp. 1074-1096.

²⁴⁷ Tajfel proposed in his social group theory that people try to strengthen their self-esteem by identifying with a collective or social group (see: Tajfel, 1982, pp. 33-36). Yet as will be explained one should be aware that taking self-esteem from *belonging* to a group is different from completely *identifying* with a group and hence losing one’s own identity.

²⁴⁸ Wertheimer, 2003, pp. 40-43.

others, who are not even that different from the entity or collective. An extreme case is the *Holocaust* of the Jews. The Nazis succeeded in alienating the Jews even though they had been more or less undistinguishable from the “Germans” for a long time.²⁴⁹ A symbol of demarcation between “the Germans” and “the Jews” can be seen in the segregation into ghettos. This artificial division²⁵⁰ into the “us”/“the others” dichotomy leads to discrimination. Within international law discrimination, which goes back to group-antagonism and is hence linked to collective identities, is tried to be countered with special minority rights.²⁵¹

Psychologically, a healthy identity formation is about understanding that an individual identity is *ambivalent*; in other words, the identity has multiple layers, which all are based on very divergent moments.²⁵² Individual identities are very complex²⁵³ – which contradicts the belief that a uniform collective identity can replace complex colourful

²⁴⁹ Wertheimer, 2003, p. 18.

²⁵⁰ Langbehn, 2010, p. 6

²⁵¹ Yet one should ask if these so-called “politics of difference” actually emphasize group differences and stimulate exclusion (see: Fierlbeck, 1996, p. 17), although minority rights, or the “politics of difference”, are supposed to lead to inclusion (see: Fierlbeck, 1996, p. 20). An example of the “politics of difference” regards national or ethnic identity. In the light of the *Westphalian* nation-state ideology, the hegemonic nation *imagines* itself to belong exclusively to the territory under question (which led to ethnic wars in former Yugoslavia). However, the minorities, which also have firmly established ties with the country, remind of the fact that the belief of the dominant state to be the “core nation” is *artificial* (see: Peleg, 2007, pp. 72-73), as much as collective identities are artificial. Although violence might not be the rule, a situation, in which minority groups are not factually equal to the dominant group, for instance by being hardly represented within political leadership, cannot lead to a non-inclusive, *flawed* democracy (see: Peleg, 2007, p. 52, 69). Thus, many scholars have come to believe that democratic justice needs special group rights (see: Fierlbeck, 1996, pp. 3, 6-7). This is said to be important to protect the “identity” of members of the group (see: Fierlbeck, 1996, pp. 6-7). Kymlicka writes that “national identity is particularly suited to serving as the ‘primary foci of identification’ because it is based on belonging, not accomplishment” (see: Fierlbeck, 1996, p. 18). Yet should the foci of identification not also be our individuality? All the more, when considering that collective identity leads to exclusion of others (see: Fierlbeck, 1996, p. 18). If people primarily identify with, for instance, the collective “nation” they are strictly bound up by norms and do not develop strong empathic capacities. I am not trying to say that group ties are not important since it is only through genuine bonding with a group that we can form a society. However, a society or collective does not need to be constituted of uniform individuals, who identify with the collective so much that others are excluded. Tolerance and non-discrimination are only possible if people realize that everyone is equal in a fundamental way and does not need to belong to a certain collective in order to be accepted. A pure approach of a “politics of difference” could lead to higher barriers between groups since people are officially typified and affirmative action is taken according to one’s belonging to a special minority. There is a dilemma however. Within a democratic system, special needs of groups can only be represented politically if affirmative action is taken. Otherwise a democracy becomes easily the tyrant of the majority – at least if there is no empathy.

²⁵² Wertheimer, 2003, p. 41.

²⁵³ *Idem*.

and creative individual identities. For a healthy identity it is important to know and accept the multi-layered identity.²⁵⁴ However, when growing up under strictly normative and thus little empathic conditions, people tend to block the parts of their identity which are incompatible with those norms.²⁵⁵ Thereby the collective identity, which is constituted by those norms, becomes a dominant part of one's own identity. That means when people grow up under strictly normative conditions, they can start believing that their identity is inherently the same as the collective identity.²⁵⁶ This can lead to self-estrangement and an extreme attitude with regard to demonstrating that one belongs to a certain collective.²⁵⁷ In other words, the own *empathic identity* is oppressed and the characteristics of the collective are stressed.²⁵⁸ A collective identity is artificial because it is not primarily drawn from own experiences and perception; hence it is similar to a mask and not very solid. Consider, for example, nationalists: nationalists do not bear ambivalence within their nationalistic world view. In denying that "*the other*" deserves as much respect as oneself, nationalists need to build barriers to "*the other*". Others pose a *threat* to the normative force and identity of the collective.²⁵⁹ At the same time, others are needed and need to be excluded in order to be able to feel like a special entity. According to Tajfel's social group theory, taking self-esteem from being part of a collective is more successful if the collective is felt to be superior to other collectives.²⁶⁰ This easily leads to stereotyping and prejudice.²⁶¹ "*The other*" is not seen as an individual with very own feelings and wants, but simply as an outsider to the group. Nationalists see the world in a black and white dichotomy instead of realizing that human beings are intrinsically colourful.

It seems quite natural that individuals need groups – just as *ubuntu* is saying. At the same time, a healthy identity does not mean that we need to be *like* the group, but only

²⁵⁴ Idem.

²⁵⁵ Gruen, 2013, p. 26; Gruen, 2003, p. 4.

²⁵⁶ Wertheimer, 2003, pp. 30-43, 41.

²⁵⁷ Such attitudes can involve group-centrism or prejudice, which in turn lead to an "empathy gap" (see: Gutsell & Inzlicht, 2012, p. 597).

²⁵⁸ Wertheimer, 2003, p. 41.

²⁵⁹ Wertheimer, 2003, pp. 30-34; Gruen, 2013, pp. 41-42.

²⁶⁰ Tajfel, 1982, pp. 33-36.

²⁶¹ Ferguson, 2004.

that we need to have ties with the group. In order to have a healthy identity, and hence to be normally able to use empathic capacities – also for “*the other*” – individuals need to understand that individuals are ambivalent and not only black or white.²⁶² People need to perceive the world through their empathic capacities and thereby realize that their normative template does not mirror reality.²⁶³ Discriminating behaviour is always extremely irrational – yet it happens so often because people are bound up with collective norms and ideas. How exactly does such discriminating behaviour look like and how does it develop?

3.3.1. Barriers to “*The Other*”

If people long for belonging to groups, does less empathy for out-group members not seem normal? For instance, in his evolutionary theory Charles Darwin declared humans to be intrinsically social animals, which identify and feel empathy most with members of their group.²⁶⁴ To bond with a group, empathy is needed and hence empathy has been a crucial factor in our evolution.²⁶⁵ For Emile Durkheim, the commitment to society and nation can be so strong that nationalism easily leads to exclusion or even killing of “*the other*”.²⁶⁶ This is why, according to Durkheim, societal norms and institutions need to be adapted to principles of justice.²⁶⁷ At the same time however, there is a lot of empathy felt across traditional social boundaries as seen in, for instance, tolerant and open-minded people and intercultural dialogue.²⁶⁸ It seems quite natural to conclude that humans are social animals indeed and therefore are in need of group ties. Generally people are indeed more empathic towards in-group members, as will be shown. However, I argue that very little or even no empathy, as seen in cases of discrimination, is culturally learned and hence nothing “natural”. Davidson and Thompson claim that

²⁶² Wertheimer, 2003, p. 41.

²⁶³ Gruen, 2013, p. 12, 105-117; Wertheimer, 2003, p. 36.

²⁶⁴ Gramer, 2000, p. 161.

²⁶⁵ Gruen, 2013, p. 24.

²⁶⁶ Gramer, 2000, p. 156.

²⁶⁷ Idem.

²⁶⁸ Also Hunt upholds that people are able to feel empathy across traditional social boundaries (see: Hunt, 2007, p. 40).

“an attitude is a *learned* [emphasis added] predisposition to respond in an evaluative (from extremely favorable to extreme unfavorable) manner toward some attitude object”²⁶⁹ – in this case I will focus on “*the other*” as attitude object. Those attitudes can include, for instance, stereotyping and prejudice.

How do barriers to “*the other*” come into being? First and foremost, it is simply because of feeling to belong to a distinct collective that one feels closer to in-group than out-group members.²⁷⁰ Yet this is, in a way artificially, reinforced and strengthened by the collective’s inherent ideas and norms, but also every other feature coming along with the collective, such as the use of language, which separate “us” from “them”. Barriers are *learned* to use Davidson’s and Thompson’s vocabulary. *Imagine* there would be no words to categorize or classify persons. *Imagine* you would be void of terms, such as “black guy” or “the Germans”, which absolutely demarcate “them” from you. *Imagine* the only words people had would be absolutely objective and people would not see “*the black guy*” as belonging to the category of the black people, or “*the German*” as belonging to the Germans, but as simply being human. This would lead to more equality because you would perceive that person as being simply human instead of abstractly categorizing him as being black or German. From the perspective of the theory of the *disciplinary model of language*,²⁷¹ language confers the impression on us that there are actually different people and “cultural wars” – meaning that different collectives are by nature incompatible.²⁷² But how then would the concept of the “world citizen” be possible? Language can heavily influence how we perceive reality. Nietzsche points to this eloquently by saying that metaphors influence how we think and feel, and that our cultural values are linguistic illusions, of which we forget that they are illusions.²⁷³ Jacques Derrida argued that giving a fixed meaning through language basically tries to make something contingent seem true, even though it is neither absolutely true, nor natural.²⁷⁴ Moreover, Foucault’s *theory of power*, which

²⁶⁹ Davidson & Thompson, 1980, p. 27.

²⁷⁰ Gutsell & Inzlicht, 2012.

²⁷¹ Dawes, 2009, p. 406.

²⁷² Wertheimer, 2003, p. 14.

²⁷³ Idem.

²⁷⁴ Dawes, 2009, p. 406.

belongs to the tradition of the *disciplinary model of language*, asserts that people are actually constituted by language. A person, according to him, is categorized and defined by others. Since we start believing in those definitions ourselves, we do not feel that language actually limits us, but we feel that we are actually given personality by that process.²⁷⁵ ²⁷⁶ With the *disciplinary model of language* one can easily explain how stereotypical thinking and prejudice arise. While stereotyping one does not perceive the stereotyped person purely by means of her empathic capacities, but simply makes assumptions or “typical” generalizations about members of the other groups, thereby having a *description* in mind how the people from the other group are usually like.²⁷⁷ Stereotypes clearly come from perceived in-group/out-group difference,²⁷⁸ and hence go along with less or no identification with the stereotyped individual. The stereotype is transferred through *language*. The language fixes a definition about the stereotyped individual. Conversely, it could be argued that it needs language in order to try to reverse the stereotype – best by illustrating the stereotyped individual as being a sentient being with very own characteristics.²⁷⁹

How does stereotyping relate to collective identities?²⁸⁰ I argue that stereotyping only occurs if someone perceives “*the other*” as not being fundamentally like oneself. That, in turn, occurs when one sees the world through one’s “collective eyes” and when therefore empathy is blocked.²⁸¹ However, this theory does not examine closely in how far an individual with full empathic capacities and a strong individual identity can be deceived or manipulated to adopt stereotypes. From the assumptions given so far however it seems plausible to claim that probably a fully empathic individual will be less inclined to adopt stereotypes – at least when she has the chance to perceive “*the*

²⁷⁵ Dawes, 2009, p. 406.

²⁷⁶ On the other side there is the *emancipatory model of language*. The theory of Jürgen Habermas, for example, asserts that only through democratic communication and sincere discussions between people the truth can be approached (see: Dawes, 2009, pp. 405-406) I think one does not need to decide between the two theories even though the *disciplinary* and *emancipatory* models seem quite antithetical. It is true that discussion can lead us more to the truth and that we can actually articulate what we feel and think, while at the same time it is words which artificially *stereotype* people.

²⁷⁷ Ferguson, 2004.

²⁷⁸ Ferguson, 2004.

²⁷⁹ This argument goes hand in hand with Hunt’s theory.

²⁸⁰ Ferguson, 2004.

²⁸¹ Gruen, 2013, pp. 11-14, 44-46, 58-63, 105-118; Wertheimer, 2003, p. 37.

other”. Stereotyping is so much embedded in societies, and hence is identification with collective norms, that even people, who would no regard themselves as racist, adopt racist stereotypes. Consider the statement of N.Y., an eighteen-year-old white female:

“An incident happened while I was riding in the car with my friends when we saw a really nice car and there was a black guy standing next to it. One of my friends said, “he’s probably trying to steal it.” The sad part about that is I probably would have said that myself. It’s weird because it almost seems normal for me to say a comment like that, like coming out naturally.”²⁸²

The kind of racism the girls adopts is very subtle and reflected by unconscious discomfort.²⁸³ I argue that this subtle kind of racism is only possible because the girl perceives herself as being different from black people. Language maintains and reinforces stereotypes and is circulated within a certain collective (in this case of non-black people). Thus, language raises barriers between collectives. In fact, one theory claims that people only need to hear something often enough in order to believe it (if you are relatively uncritical toward the language used within your collective). Victor Klemperer explained the linguistic use of the Nazis by referring to the word “fanatic” (German *fanatisch*). Words like *virtuous* simply had to be replaced often enough by the word “fanatic” (which is actually negatively connected to the meaning of being obsessed with something) in order to make people believe that a fanatic is someone virtuous.²⁸⁴ This fact speaks for the *disciplinary model of language*. One needs to hear often enough that black people (who you do not identify with because you do not belong to *them*) are more inclined to criminality in order to believe in that fact and not perceive reality by being empathic toward the black person. How else could it be explained that black and brown people are far more often penalized than white people in the United States, most worrisome with regard to the death penalty?²⁸⁵ If there was pure empathy, a black person would not be judged according to stereotypes. Moreover, research with babies and toddlers showed that naturally people react neutral toward

²⁸² Zamudio & Rios, 2006, p. 491.

²⁸³ Zamudio & Rios, 2006, pp. 489-490.

²⁸⁴ Wertheimer, 2003, p. 15.

²⁸⁵ Zamudio & Rios, 2006, p. 491.

different coloured people,²⁸⁶ which strengthens the argument that negative stereotypical thinking with regard to race is learned.

Stereotyping very often leads to prejudice.²⁸⁷ Prejudice entails to have an *attitude* towards members of another group.^{288 289} In fact, what has been mentioned about stereotyping above could already be seen as a form of prejudice. Prejudice entails making a prejudgment about someone based on the fact that she is a member of a certain out-group. It can be a positive or negative judgment; however one usually associates negativity with prejudice. Following that view Gordon Allport defined prejudice as “an *antipathy* based on a faulty and inflexible generalization. It may be felt or expressed. It may be directed toward a group as a whole, or toward an individual because he [or she] is a member of that group”.²⁹⁰ Moreover, Gordon Allport defined prejudice as being a “feeling, favorable or unfavorable, toward a person or thing, prior to, or not based on, actual experience.”²⁹¹ In the context of discrimination the unfavorable feeling is particularly important. The assumption that prejudice is not based on “actual experience” leads to the theory of empathy, which maintains that through empathy we can actually experience others directly and hence without prejudice. In fact, Theodor Adorno maintained that the more a personality is authoritarian, the more prejudiced she is. For Adorno, authoritarian personalities strictly obey rules and hierarchies.²⁹² This supports the theory that people, who strongly identify with norms, are less open to empathically and hence *really* perceive “*the other*” and are therefore more inclined to be prejudiced. A negative prejudice assumes marginality of “*the other*”. It can in fact be such a negative attitude towards “*the other*” that it can lead to *dehumanization* – as will be explained. Negative prejudice often actively and consciously emphasizes one’s superior collective identity with reference to “*the other*”.

²⁸⁶ Ferguson, 2004.

²⁸⁷ Ferguson, 2004.

²⁸⁸ Ferguson, 2004.

²⁸⁹ Carl Jung defined attitude as being the “readiness of the psyche to act or react in a certain way” (see: Seel, 2011, p. 372).

²⁹⁰ Gudykunst, 1991, p. 69.

²⁹¹ Allport, 1979, p. 6.

²⁹² Plois, 2012-2013.

Stressing the other's marginality stresses one's own normalcy.²⁹³ In fact this theory complements Tajfel's theory on drawing self-esteem from feeling superior to out-groups.²⁹⁴ These barriers, namely stereotyping and prejudice, can lead to what can be called an "empathy gap"²⁹⁵. This is also why these barriers can lead to actual discrimination. Discrimination entails *actions* directed at the stereotyped/prejudiced individuals.²⁹⁶

3.3.1.1. A Scientific Excursion on the "Empathy Gap"²⁹⁷

The "empathy gap" will be shortly explained because it is the scientific proof that group antagonism and prejudice impair empathy. "Empathy gap" in inter-group relations entails feeling less empathy for out-group members. There have been many studies within the field of psychology, which show that identification with a group can lead to less empathy with the out-group(s).²⁹⁸ "The other" can be said to act outside of the specific normative system,²⁹⁹ and is hence excluded by those within the system. The perception-action-coupling model describes how emotions and behaviour are imitated through empathy. This imitation is unconscious, but not automatic,³⁰⁰ and can therefore be influenced by cultural factors. On average, people are less likely to help out-group members, or to value the lives of out-group members as much as of in-group members.³⁰¹ Generally there is less empathy felt for people not belonging to one's group. There is a social bias, which is however not assumed to be innate, but rather culturally *learned*.³⁰² New born babies start crying when other babies cry – no matter

²⁹³ Schönhuth, 2005.

²⁹⁴ Tajfel, 1982, pp. 33-36.

²⁹⁵ Gutsell & Inzlicht, 2012.

²⁹⁶ Ferguson, 2004.

²⁹⁷ This neurological study chosen for explaining "empathy gap" representative since it includes a variety of former psychological research.

²⁹⁸ See for instance studies relating to group bias in the case of race: Gaertner, 1982; Kunstman & Plant, 2008.

²⁹⁹ Opatow, 1990.

³⁰⁰ Gutsell & Inzlicht, 2012, p. 597.

³⁰¹ Idem.

³⁰² Idem.

the origin of the other baby.³⁰³ When people learn to have strong prejudice against certain “others”, such as Italians against black people or Canadians against South Asians, there is an even higher perception-action-coupling reduction. In other words, the empathy level for out-group members is even lower when they are prejudiced.³⁰⁴ In order to overcome the “empathy gap” one needs to cross group boundaries.³⁰⁵ Thereby prejudice and with it ‘prejudice in action’ – namely discrimination – are reduced. The “empathy gap” is not a natural condition, with which people are born with. It is culturally learned.³⁰⁶ It already diminishes the “empathy gap” when people cross the barrier to “*the other*” and take his perspective,³⁰⁷ as in the case of reading about him or meeting members of the prejudiced group.³⁰⁸

3.3.1.2. Dehumanization³⁰⁹

The Puritans saw the Indians as devils, which deserved to be extinguished; Nazis illustrated the Jews as attempting world conquest; fanatical Islamists see the United States as “the Great Satan”;³¹⁰ Arabs are seen by many patriotic Americans as being potential terrorists. Gordon Allport said about “*dehumanization*” that it is the worst kind of prejudice.³¹¹ Dehumanization means to deny the “humaneness” of “*the other*”³¹² because the dehumanized target is not deemed worthy of respect. It means to perceive “*the other*”, who belongs the out-group, not as being an individual with very own characteristics³¹³ - even though individuality is so common for every human, for every living being. Dehumanization is strongly related to the phenomenon of the

³⁰³ Idem.

³⁰⁴ Idem.

³⁰⁵ Gutsell & Inzlicht, 2012, p. 602.

³⁰⁶ Gutsell & Inzlicht, 2012, p. 597.

³⁰⁷ Gutsell & Inzlicht, 2012, p. 602.

³⁰⁸ Feeling empathy for a out-group member of a discriminated group raises the chance that the whole group will be more accepted (see: Batson et al, 1997, pp. 105-118). See also: Swart et al, 2011, pp. 1221-1238.

³⁰⁹ This sub-chapter is heavily based on a study, which was conducted in the United States (see: Harris & Fiske, 2011).

³¹⁰ Courtland Moon, 2004, p. 5.

³¹¹ Harris & Fiske, 2011.

³¹² Haslam, 2006, pp. 252-264.

³¹³ Courtland Moon, 2004, p. 6.

“empathy gap” for out-group members since dehumanized persons are people, who do not belong to one’s own group, and are treated extremely immorally without feelings of guilt.³¹⁴ However, dehumanization is worse than a reduced feeling of empathy, as in case of the “empathy gap”, because it is about failing to perceive the mind of “*the other*”.³¹⁵ In other words, dehumanization is not “only” about feeling less empathy for “*the other*”, but about regarding her as essentially not being a sentient being. Thus, within the context of dehumanization, a person does not feel bad when he treats “*the other*” in a discriminative, maybe even violent way.³¹⁶ Dehumanized subjects are not protected by the morality of the discriminator. Inhumane discriminating behaviour hence does not lead to a guilty conscience and does not seem irrational. The dehumanized target is seen more like an object.³¹⁷ It could be argued that a dehumanized person is denied human dignity. For this reason, you can link a lack of empathy, which is a condition for dehumanization, to a denial of human dignity and human rights, *as much as you can link empathy to the development of human dignity and human rights*.

It is speculated that dehumanization can lead to heinous human rights violations, such as torture, or genocide.^{318 319} Simply an “empathy gap” is not enough for dehumanization. Otherwise discrimination would far more often result in gross human rights violations. It has been shown in a study that traditional objects of dehumanization, such as drug addicts and homeless persons,³²⁰ or immigrants and poor people, with whom, for instance, eye contact and therefore mind connection is often avoided, activate brain areas which are connected to the feeling of *disgust*.³²¹ Those people are usually perceived as being more disgusting than the “norm”. A dehumanized

³¹⁴ Bandura, 2002, p. 101-119.

³¹⁵ Harris & Fiske, 2011.

³¹⁶ Bandura, 2002, pp. 101-119.

³¹⁷ Harris & Fiske, 2011.

³¹⁸ Harris & Fiske, 2011.

³¹⁹ According to Herbert Kelman and V. Lee Hamilton, who studied the *My Lai Massacre*, three factors are important for genocide: dehumanization, routinization, authorization (see: Halpern & Weinstein, 2004, p. 566).

³²⁰ in the United States since the study has been conducted there.

³²¹ Harris & Fiske, 2011.

person stimulates a feeling of disgust instead of an empathic feeling.³²² The dehumanizing mechanism of disgust reinforces social hierarchies, which can be seen in, *inter alia*, the case of the *Dalit*, a collective in India which does not even officially belong to the official caste system.³²³ The Dalit are outcasts and usually live in specific villages³²⁴ – this can be seen as another barrier. The Dalit, a name which this “group of people” gave to itself, are usually called “Untouchables” in English.³²⁵ Touch across different castes seems to elicit disgust – most for the “Untouchables”.³²⁶ As explained in the beginning of the chapter, emotions guide us in decision-making. The dehumanizing discriminator probably does not conceive of her decision as being irrational. Since disgust guides into the direction of dehumanization, one is not completely free to perceive “*the other*” as really equal. When one cannot see the reality (that being that “*the other*” is as human as you are) through empathic capacities, the likelihood of irrational emotions and behaviour rises. Discrimination, as here in the case of dehumanization, is felt as being rational. Here you can see that reason cannot work morally without the *right* emotions – those certainly not including feeling disgust for other human beings.

A feeling of disgust for “*the other*” can be easily stimulated by propaganda mechanisms. For instance, propaganda made the Tutsi in Rwanda seem like “*Inyenzi*”, or cockroaches.³²⁷ The Jews were depicted as the most gruesome objects by former German propaganda minister Goebbels.³²⁸ So if propaganda can transfer feelings of disgust on people, why would dehumanization directly be connected to the phenomena of *collective identities* and the “*empathy gap*”? As already stated, dehumanization can be seen as the worst kind of prejudice.³²⁹ Prejudice depends on inter-group relations.³³⁰ Moreover, I am arguing that people can only react affirmatively to disgustingly depicted

³²² Idem.

³²³ Donnelly, 2009, pp. 51-60.

³²⁴ Bob, 2009, p. 32.

³²⁵ Donnelly, 2009, p. 53, 60.

³²⁶ Nussbaum, 2004, p. 89, 116.

³²⁷ Harris & Fiske, 2011.

³²⁸ Idem.

³²⁹ Idem.

³³⁰ Ferguson, 2004.

“others” (through propaganda for instance) if they do not consider themselves as belonging to those “others”, but to a different collective. Consequently, only people, who identify with a certain collective, can be influenced by such irrational pictures of “the disgusting other” and hence dehumanize him. This is mirrored in Hamlet’s loss of his warm side. He identifies so much with myths of male heroism that his *other* sensitive side is threatened to get lost – and in a sense becomes dehumanized.

After genocide, which could be called the worst form of dehumanization, *reconciliation* is very difficult.³³¹ As much as a lack of empathy lead to being able to dehumanize, empathy is needed for *rehumanization* and hence reconciliation.³³² Yet usually the focus lies on institution building and not on human relations.³³³ According to the *Stockholm International Forum on Truth, Justice, and Reconciliation*, reconciliation needs “cultivation of the heart”.³³⁴ Yet the social environment needs to facilitate empathic processes, meaning that most people will only be open for the former enemy if the collective is supportive.³³⁵ For this supportiveness of a large part of the community there needs to be a situation, in which the former enemy does not pose a felt immediate threat. For that the rule of law, human rights, and with it security are needed.³³⁶ Only if these conditions are given after genocide empathy can be worked on in order to transform a “peace” into something like a “friendship”. It can be said therefore that empathy often needs reason – as much as reason does not function properly in the sphere of morals without empathy.

³³¹ Halpern & Weinstein, 2004.

³³² Halpern & Weinstein, 2004, pp. 567-580.

³³³ Halpern & Weinstein, 2004, pp. 562-563.

³³⁴ Halpern & Weinstein, 2004, p. 568.

³³⁵ Halpern & Weinstein, 2004, p. 577.

³³⁶ Halpern & Weinstein, 2004, p. 582.

3.3.1.2.1. Example: Dehumanization of Alleged Terrorists after 9/11

“The purpose of Guantánamo is to destroy people” – Jumah al Dossari³³⁷

The dehumanization in the United States detention centre Guantánamo Naval Base for alleged “enemy combatants”, which has been introduced shortly after 9/11, is slowly destroying the detainees; their latest cry for help has been an on-going hunger strike. The dehumanization in Guantánamo peaks in mechanisms of inhumane and degrading treatment or even torture – regarding the hunger strike the on-going force-feeding can be seen as violating the UN Convention against Torture.³³⁸ On the 1st of May 2013, it has been clearly stated in a UN document, issued by the Office of the High Commissioner for Human Rights,³³⁹ that the United States need to end the indefinite detention of detainees in Guantánamo and “respect and guarantee the life, health and personal integrity of detainees”. Confronted with a hopeless situation, estimated 100 of 166 detainees are currently on hunger strike.³⁴⁰ It can be assumed that they try to appeal to the conscience of the American public, which is indirectly participating in the dehumanization. It is an emotional appeal, which will not bear fruits if the “empathy gap” between the American society and the detainees is too large. The UN document, which calls for ending the indefinite detention, holds that indefinite detention without legal protection and charge constitutes in itself cruel, inhuman, and degrading treatment. The physiological and psychological damage is said to be too high to justify. The uncertainty about the future causes extreme stress, fear, depression and anxiety and has negative effects on the central nervous system, and on the cardiovascular and immunological system. Long-lasting mental distress should be seen as a kind of torture.

³³⁷ Jumah al Dossari was held in Guantánamo from January 2005 until July 2007 – he was released without charge. His story can be read in Jumah al Dossari, *I'm Home, but Still Haunted by Guantánamo*, Washington Post, 17 August 2008, at B4 (see: Ahmad, 2009, p. 1690).

³³⁸ Individuals’ autonomy to decide to lead a hunger strike and hence not to be forced-fed must be respected according to international human rights law (coercive force-feeding amounts to at least cruel, inhuman, and degrading treatment) (see: Office of the high Commissioner for Human Rights).

³³⁹ Office of the high Commissioner for Human Rights. The document was issued by the Inter-American Commission on Human Rights, the United Nations Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Méndez and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover.

³⁴⁰ Idem.

The detainees are not fully regarded as human sentient beings worthy of respect – a phenomenon of dehumanization.

The “War on Terror”

To treat human beings as dehumanized “terrorists” instead of human beings has been justified with the “war on terror”. According to Amnesty International, the “war on terror” is the most damaging violation of international law in 50 years.³⁴¹ The “war on terror”, as its name is suggesting, is supposed to combat terror and therefore bring more security. Proponents would claim it is good for human rights in the long run even though civil liberties have been severely cut by the *Patriot Act*.³⁴² I am arguing the contrary: since terrorism gained more political importance after 9/11, human rights ceased to flourish. 9/11 has been made a turning point in the human rights history.³⁴³ Alleged terrorists are denied basic human rights, such as the right to fair trial, the right to privacy, or the right to be free from torture – the latter theoretically even being a *jus cogens* norm. Only the rule of law, and not sending alleged terrorists to a place free from law, such as Guantánamo, acknowledges human dignity. The interrogation and detention centre in Guantánamo is an excellent example for violating human rights. The Bush Administration held that the prisoners of Guantánamo are not protected by any rights regime.³⁴⁴ It held that detainees could be kept in Guantánamo for life – without justification.³⁴⁵ Human rights however should apply in all circumstances in times of peace – unless there is a valid ground for derogation. As in times of war – if you can call the “war on terror” a war – detainees must at least be granted prisoners of war status. Yet the Bush Administration is famous for openly deviating from the Geneva Conventions by declaring that detainees are “enemy combatants” instead of prisoners of war and hence not protected by the Geneva Conventions,³⁴⁶ which include the freedom

³⁴¹ Senguputa, 2004, p. 4.

³⁴² Heymann, 2002.

³⁴³ As much as, for instance, the spread of empathy through literature has been a positive turning point in human rights history according to Hunt, 9/11 has been a negative turning point since the “empathy gap” towards alleged terrorists is endlessly deep – as will be explained.

³⁴⁴ Ahmad, 2009, p. 1688.

³⁴⁵ Ahmad, 2009, p. 1684.

³⁴⁶ Hooks & Mosher, 2005, p. 1628.

from torture and the protection of dignity. This is quite grotesque – or Kafkaesque³⁴⁷ – since the detainees are held under allegations of breaking the law; yet they do not feel any protection of law: there is indefinite detention without trial and the detainees are judged without court or judge.³⁴⁸

Stigmatized: “Terrorists” – No Human Beings

Human beings are presented as “terrorists” instead of humans and are hence grotesquely denied their humanity. The claim that the Geneva Conventions do not apply was revoked; however again quite grotesque: no deeds followed this revocation and endless detention and torture persisted in Guantánamo.³⁴⁹ The detainees are simply seen as dehumanized “terrorists”,³⁵⁰ not as human and thus they do not enjoy any version of human rights (version referring to either human rights law in times of peace or humanitarian law in times of war (which now could be seen as a *lex specialis* form of human rights law)). The civilian court case of *Boumediene v. Bush* was seen as a landmark decision since it held that all Guantánamo detainees have a constitutional right, based on the *habeas corpus* principle, to question the legality of their detention. Yet jurisprudence based on rights is not enough since Guantánamo seems to be resistant to judgments.³⁵¹ Obama’s political promises to close Guantanamo did not succeed either. I am arguing it is the public which needs to change perception and regard the “enemy combatants” as being *equally human* in order to put more democratic pressure on the Obama Administration. It should be added that I am not intending to examine the exact reasons for the guards in Guantánamo to treat the detainees inhumanly. Different psychological phenomena play a role in their behaviour.³⁵² What can be said at least is that the guards naturally rather consider them as belonging to the “American” public, which is supposed to be protected by the “war on terror”, as belonging to the detainees.

³⁴⁷ This comparison to Kafka’s *The Trial* has been given by Pinaire, 2007, pp. 154-55 (originally I found Pinaire’s comparison in: Ahmad, 2009, p. 1716).

³⁴⁸ Ahmad, 2009, p. 1716.

³⁴⁹ Hooks & Mosher, 2005, p. 1628.

³⁵⁰ Ahmad, 2009, p. 1687.

³⁵¹ Ahmad, 2009, pp. 1684-1685.

³⁵² Lang, 2010.

Dehumanization of “Arab Americans”

Generally, the American public has not been overly *indignant* over the maltreatment of alleged terrorists and the torture acts.³⁵³ Relating to this, since 9/11 *Arab Americans, Muslims, and others who are assumed to be of Middle East origin* have been targets of countless discriminatory attacks and hate crimes in the United States.³⁵⁴ “Terrorism” is linked to any “Muslim-looking” person.³⁵⁵ A great part of the American public has been willing to prejudice and dehumanize those, who – in their minds – reminded of the terrorists who allegedly caused the gruesome attacks on 9/11. It is hard to clearly identify “*the other*” because what I will refer to as the “Arab Americans” is not a homogeneous entity. For instance, many Arabs in the United States call themselves “Muslim” first, or many Lebanese Christians see themselves as rather “Lebanese” or “Christian” than “Arab”.³⁵⁶ I argue that the discrimination of “Arab Americans” by a part of the “American” public facilitates the inhumane and degrading treatment, or even torture, in Guantánamo. The torture incidents, which were justified by reference to the “war on terror”, have not been predominantly directed against “Arab Americans”. However, I am arguing that there has already been an “empathy gap” between the “Americans” and “Arab Americans” before 9/11 and that this gap has been irrationally projected by the “American” public on any other “dangerous Muslim”. This gap has been strengthened tremendously after 9/11.

This example illustrates in how far normative and group-centric attitudes can enforce an “empathy gap”, which in turn can lead to such dehumanizing emotions and behaviour of the “Americans” against “Arab Americans”.³⁵⁷ It also reveals some patterns in dehumanizing behaviour. Already in 1994, Ronald Stockton issued a study on “the Arab

³⁵³ Hooks & Mosher, 2005, p. 1628; It can be argued that public indignation makes it possible to change a political system – particularly when it is a more or less democratic system as in the United States. If a government loses its support and is confronted with indignation, it needs to change its government policies in order to keep power (which according to a realist theory of power every government wants). For instance, Stéphane Hessel praised the power of indignation to change systems in his pamphlet *Time for Outrage!* (original French title: *indignez-vous!*) (see: Hessel, 2011). Moreover, I am arguing to be indignant over the plight of “*the other*” and not “merely” over one’s own plight, one needs to feel empathy for her. Thus, indignation and empathy are strongly interrelated in this case.

³⁵⁴ Abrams, 2002, p. 1423.

³⁵⁵ Ahmad, 2009, p. 1697.

³⁵⁶ Salaita, 2005, p. 163.

³⁵⁷ Abrams, 2002, p. 1423.

image” in the United States on the basis of how Arabs are illustrated in American media. Based on this study, Stockton claims that "the generic Arab shares with Jews [meaning the stereotyped Jews] thick lips, evil eyes, unkempt hair, scruffy beard, weak chin, crooked nose, vile look. He also shares with Blacks [meaning the stereotyped Blacks] thick lips, heavy brow, stupid expression, stooped shoulders".³⁵⁸ Therefore, the stereotyped Arab has already been illustrated as not being trust-worthy and evil before 9/11. Stockton’s study reveals that dehumanization is usually embedded in certain patterns. The dehumanized target, be it the Jews, Blacks, or Arabs, is ridiculed up to a point that “*the other*” simply seems stupid and disgusting – maybe not even able to take any responsible moral decisions. In Nazi Germany it was professional state propaganda which led the Jews, who were quite “assimilated” and hence not really distinguishable from the Germans, to be so ridiculed. In this case it is the media, which is sensationalistic and therefore reinforces and strengthens people’s already existing thinking. Regarding that point, Stockton says that “it is important to remember that while government policies are not simple outgrowths of public opinion, governments operate within parameters defined by what the public will tolerate. If the public is willing to *dehumanize* [emphasis added] a population - be it domestic or foreign - then exceptional latitude is allowed where human rights are concerned. Slavery, brutal war, mass murder, assassination, and *indifference to suffering* [emphasis added] become more acceptable.”³⁵⁹ This statement is particularly important in the light that also presidents and other government officials contributed with their statements about Arabs to the negative image. Moreover, it is important for understanding that the “parameters” of Guantánamo must be tolerated by the public in order to persist. And in fact, the majority tolerates and is *indifferent* to what happens in Guantánamo.³⁶⁰

³⁵⁸ Stockton, 1994, p. 135 (originally read in Salaita, 2005).

³⁵⁹ Stockton, 1994, p. 150.

³⁶⁰ See for instance: Huffington Post poll from May 2013, based on 1000 adult interviews, shows that 54 per cent are in favour of continuing the detention centre, 27 per cent are against, and 19 per cent are undecided (see: Huffington Post poll on continuance of Guantánamo detention centre, 2013); Rasmussen public opinion poll from April 2013 shows that 59 per cent are in favour, 23 per cent are against, and 18 per cent are undecided (see: Rasmussen Report on continuance of Guantánamo detention centre, 2013); according to another Rasmussen report from April 2013, 51 per cent explicitly favour detention of suspected terrorists even without evidence to convict (see: Rasmussen Report on favouring detention without evidence to convict, 2013).

What can be seen is that “Americans” and “Arab Americans” have been perceived different groups already before 9/11. According to Nabeel Abraham, anti-Arab racism has been present before 9/11.³⁶¹ This speaks for the theory that only someone, who perceives herself as belonging to a different collective identity and thus as being different from *the other* Arab, can feel less empathy for “*the other*” and is therefore receptive for dehumanizing attitudes. Only “*the other*” can be depicted as a savage,³⁶² or as a born evil terrorist.³⁶³ Only because “Americans” and the so-called Muslim World have been viewed quite antagonistic before, the Bush Administration could so vigorously maintain that the attacks of 9/11 were directed at Western *civilization* and that the detainees, who were deprived of their basic human rights under United States jurisdiction, were “*uncivilized*”, “barbarians”, and unlike “us”.³⁶⁴ Moreover, the Bush Administration stated that the prisoners are “the worst of the worst” and that they are “hardened killers”.³⁶⁵ By implication, after 9/11 dehumanization became more extreme. As already stated, the dehumanized “Arab American” is already prejudiced due to “American” group-centrism. Yet after 9/11 the irrational *fear* of “Arab American” terror even moved the “Arab American” further away from the “American”. The “American” public has been willing to limit the alleged “terrorist’s” civil rights – random ethnic profiling, surveillance, citizen spying, and detention occurred.³⁶⁶ In that sense “terrorists” can be any Arab, who slightly threatens “American hegemony”.³⁶⁷ That terrorism has been so much identified with “Arab Americans” has led to the belief that Arab culture and intellect are morally inferior to the American culture.³⁶⁸ Thus it can be said that the Arab *other* has not only been dehumanized through media according to Stockton, but also through increasing linkage of Arabs to immoral terrorism. The Bush

³⁶¹ Salaita, 2005, pp. 160-161.

³⁶² Which Stockton’s study reveals; Hesford, 2006, p. 35.

³⁶³ Ahmad, 2009, p.

³⁶⁴ Hesford, 2006, p. 31.

³⁶⁵ Ahmad, 2009, p. 1695.

³⁶⁶ Salaita, 2005, p. 159.

³⁶⁷ Salaita, 2005, p. 160.

³⁶⁸ Salaita, 2005, p. 160.

Administration used 9/11 as legitimizing the invasion of Iraq and thereby made all Iraqis, and by the same token all Arabs, seem less worthy. They were dehumanized.³⁶⁹

The “American Collective Identity”

Who are the “Americans” if the Arabs are “*the others*”? There is relatively strong patriotism in the United States – particularly after 9/11, but also before already.³⁷⁰ Quite dramatically it could be put into these words: there is a fight of “good” versus “evil”, “justice” versus “injustice”,³⁷¹ or as the Bush Administration put it: “civilization” versus “non-civilization”. Bush explicitly states that “either you are with us, or you are with the terrorists”.³⁷² Steven Salaita, an Arab American professor, claims that there has always been a strong “imperative patriotism” in the United States.³⁷³ The American imperative patriotism, Salaita argues, comes from the fact that it is a settler society, which took away the land of the native tribes. There needed to be a firm juridical mentality in order to legitimize the settlement and make the settler obey when they were supposed to enslave or kill the indigenous people.³⁷⁴ It complements my argument that strong adherence to norms leads people to identify more with their collective (here in the form of patriotism) and thus become less empathic toward “*the other*”. Since 9/11 this imperative patriotism, in other words a stronger identification with the collective, has been reaffirmed. In a study within the field of social science, conducted with ten surveys over the course of five years, it has been shown that the support of the American public for torture is affected by “partisanship” and “ideology”.³⁷⁵ This suggests what those who strongly identify with the “Americans” and who therefore share the “American” ideology with its norms and ideas are more inclined to support governmental torture.³⁷⁶ Furthermore, total public tolerance for torture has risen slightly

³⁶⁹ Hook & Mosher, 2005, p. 1639.

³⁷⁰ Salaita, 2005, pp. 154-156.

³⁷¹ Wertheimer, 2003, p. 9.

³⁷² Public paper of the Presidents of the United States, 2001, p. 1142.

³⁷³ Salaita, 2005, pp. 154-156.

³⁷⁴ Salaita, 2005, p. 154.

³⁷⁵ Mayer, 2012.

³⁷⁶ Idem.

while at the same time criticism of torture has risen.³⁷⁷ This is all the more interesting because the Obama Administration officially opposes torture.³⁷⁸ Could it be argued that the *idea* of the “war on terror” so much influences the majority of the Americans that they cannot perceive reality anymore – a reality in which one would empathically realize that torture is morally wrong? The imperative patriotism seems to make people blind.

This blindness is supported by the factor that many “Americans” (and I certainly do not use stereotypes since I explicitly do not refer to all “Americans”) feel *fear*. They are insecure about how the future will handle terrorism.³⁷⁹ Needless to say, the government and media pushed that fear tremendously.³⁸⁰ Even though it should be added that the government does not push this fear as before. The Obama Administration at least *promised* to close Guantánamo. Still, many “Americans” feel threatened. This, in turn, leads them to identify even stronger with the “American nation”.³⁸¹ Political psychology maintains that times of instability, may it be for instance for economics, politics, or human affairs, leads to stronger identification with especially national and religious collectives.³⁸² This is also the reason why anti-immigration attitudes are heavier in times of instability.³⁸³ This makes it easier to understand why in times of crises people are generally more prone to violence – or, one could argue, tolerate violence as in Guantánamo. Identification with a collective, which is supposed to give them strength,³⁸⁴ makes them less empathic for “*the other*”, who might be stigmatized and made responsible for the crisis. It is general knowledge that the Nazi regime, for example, created itself out of the Great Depression. The Jews were seen as the greedy others. *However*, I argue that instability is not the core reason for dehumanizing the alleged terrorists in Guantánamo. Instability only reinforces already existing negative thinking and attitudes towards “*the other*”. There must already be barriers to “*the*

³⁷⁷ Idem.

³⁷⁸ Idem.

³⁷⁹ Kinnvall, 2004, p. 742

³⁸⁰ For how media influenced the American public and reinforced fear see: Altheide, 2006, p. 113.

³⁸¹ Kinnvall, 2004, p. 742.

³⁸² Kinnvall, 2004, p. 741-742.

³⁸³ Kinnvall, 2004, p. 741-742.

³⁸⁴ Tajfel, 1982, pp. 33-36.

other” in order to be able to generalize the characteristics of “*the other*” in such ways that it can lead to making him responsible for the crisis. The core barrier is to identify not with “*the other*”, but first and foremost with one’s collective. This also explains why there has been a dehumanized image of the “Arab American” already before 9/11. Patriotic Americans have perceived themselves as essentially different from “Arab Americans”. It is absolutely irrational to think of all Arabs as being potential terrorists. Such irrationality cannot stem from perceiving reality, but only from perceiving the world through a normative template. Therefore, *fear*, which arises in times of instability, does not excuse dehumanizing behaviour. It does not excuse the treatment in Guantánamo. It could be argued that is a moral responsibility to take different perspectives in order not to think in stereotypes and to be led by prejudice. By this, there will be more empathy; and through empathy there will be more morality. It can be argued that group-centric “Americans”, who support Guantánamo, are detached from reality in the way that they do not perceive the essential equality of the Arab *other* through empathic capacities. Singling out men with Muslim names at airports,³⁸⁵ or countless hate crimes and speeches stimulated by disgust against Arabs,³⁸⁶ do not stand for a rationally behaving identity. The dehumanized phantom of the allegedly bad Arab together with the belief that “Americans” are morally superior to Arabs is already induced into children, who do not learn to trust their own empathic perception, but who are absorbed by American patriotism and its ideals. Chris Mackey and Greg Miller demonstrate in their book *The Interrogators* how much children are already prejudiced when thinking about Iraqis. An interrogation unit received mails by schoolchildren writing to them “go get the bad men” or “I hope you kill them all”.³⁸⁷ Maybe later those children will be stuck in conflict between their identification with the myth of American moral superiority and feelings of guilt – just as Hamlet is struggling between the male myth of honour and his guilty conscience.

³⁸⁵ Kinnvall, 2004, p. 761.

³⁸⁶ Abrams, 2002, p. 1423.

³⁸⁷ Hook & Mosher, 2005, p. 1639.

No Empathy

It seems hopeless: strong identification with the collective of the patriotic Americans leads to an “empathy gap” for out-group members, especially for the prejudiced “Arab Americans”.³⁸⁸ This made it easier after 9/11 to let negative emotions, such as fear and disgust, influence the picture of the “Arab Americans”, who were now seen as potential terrorists, even more. Thus, there is even less empathy. The only solution would be: empathy. The majority of the American public does not feel empathy for the detainees, which can be seen in the fact that the majority is in favour of keeping Guantánamo. It is “them” and not “us” in Guantánamo. If the extremely “American” thinking person *could* perceive reality empathically he could see that endless confinement and all the other mechanisms amounting to at least cruel, inhuman, and degrading treatment are morally wrong. The detainees are held like caged animals – what the majority of the Americans tolerates. The “empathy gap” leads to perceiving the detainees not as individuals, but as a generalized group of “terrorists”. This makes it easier that the majority of the public *fears* the release of the detainees.³⁸⁹ They are not felt to be trustworthy. Rather they are presented as being disgusting.³⁹⁰ Dehumanization becomes tolerated. Even if all detainees were dangerous, no human being – under human rights and empathic considerations – deserves the treatment in Guantánamo. Only through empathy the American public could realize the irrationality of Guantánamo and put more democratic pressure on the Obama Administration.³⁹¹ Yet the question remains:

³⁸⁸ This “empathy gap” has been present already before 9/11 as illustrated by Stockton’s study, which revealed the prejudice of the American public against the “Arab American”.

³⁸⁹ Although it should be added that presumably 86 detainees have already been cleared for release since they are regarded as not dangerous. Yet due to procedural hindrance they have not been released – and it does not seem they will be soon (see: Sledge, February 2013). This is another example how Kafkaesque Guantánamo is.

³⁹⁰ Which could already be seen in Stockton’s study.

³⁹¹ Because the White House, Congress and foreign governments do not find an agreement on where to send to detainees, Obama’s promise to close Guantánamo has not been realized yet (see: Fisher, April 2013). Yet, many legal scholars have the opinion that Obama could close Guantánamo. The New York times journalist Joe Nocera summarizes Obama’s choice like this: “One reason innocent detainees can’t get out is that the courts have essentially ruled that a president has an absolute right to imprison anyone he wants during a time of war — with no second-guessing from either of the other two branches of government. By the same legal logic, a president can also free any prisoner in a time of war. Had the president taken that stance, there would undoubtedly have been a court fight. But so what?” (see: Nocera, May 2013). I argue that it needs democratic pressure, in form of indignant Americans, in order to make Obama – even against Congress.

how to counter the irrational fear of the Arab other – a fear which is deeply linked to generalizing and dehumanizing the detainees?

Guantánamo – The “Death Camp”

The *indifference* for the detainees and resulting tolerance for Guantánamo can be explained through Adorno’s and Horkheimer’s explanation of how the *Holocaust* could happen.³⁹² In fact, it is not absurd at all to describe Guantánamo as a death camp: the detainees cannot live their humanity since they are totally dehumanized – they are, in a spiritual sense, more dead than alive. The belief in the abstract construct of the “American nation” makes the majority of Americans behave discriminatory toward the detainees.³⁹³ The imperative patriotism, as Salaita referred to it, makes people apathetically obey the idea of the dangerous Muslim, which the “war on terror” prescribes. Terror against the detainees is rationalized by the majority of Americans by looking through a template of certain “national security” norms. The American patriotic culture is analogous to the German discipline-loving culture. In both cultures the majority is not overly critical toward the existing regime and hence loses empathic sight. In a way strong patriotism can amount to sadism since it functions better without critical sentiments. It is difficult to assume what a dead philosopher would say regarding a contemporary topic. Yet it seems logical that Adorno would think of the indifference toward the Guantánamo detainees as being a result of lacking identification with them.³⁹⁴ This lacking identification, which results from a lack of empathy, can be traced back to the fact that the majority of Americans identifies extremely with the “American collective” and its norms and ideas.

³⁹² See for instance: Barreto, 2006, p. 92.

³⁹³ For this analogy see: Barreto, 2006, pp. 73-74.

³⁹⁴ Barreto, 2006, p. 92.

3.4. Conclusion and Reflection Chapter Two

Identification with a collective makes people feel less empathy for out-group members. This makes it harder to truly perceive “*the other*”. Stereotypical and prejudiced thinking, which are closely intertwined, maximizes the “empathy gap”. Thus “*the other*” is perceived even less realistically. People who extremely identify with their collective *fear* to admit the equality of out-group members –that would take away superiority. Moreover, prejudice makes it easier to perceive particularly stigmatized out-groups as being *disgusting*. Emotions influence rational decision making. In the end the discrimination, even in forms of dehumanization, is legitimized by “reason”. After dehumanization, as in several ethnic wars in former Yugoslavia, *hatred* is hard to overcome. *Rehumanization* and reconciliation need empathy –yet broad parts of the society need to be willing to take the perspective of the former enemy. This chapter shows how empathy is impaired due to collective identities. This can lead to discrimination. The only way to overcome this problem is through empathy. To come back to the forgotten detainees in Guantánamo, it seems quite difficult to empathically reach those patriotic Americans, who are in favour of keeping Guantánamo. The image of “Muslim-looking persons” has been negatively viewed already before 9/11. A large part of the American public feels offended and threatened by the “Muslim World” and is not open to overcome prejudice. Consequently, it should not be relied on empathy solely– even though empathy is *the* basis for morality. If morality cannot be achieved via the American public, the international human rights community needs to pressurize the Obama Administration more. What could be regarded the moral motivation for people to support human rights organizations, such as Amnesty International or Human Rights Watch? Throughout this dissertation I argue that empathy is *the* moral driving force since it can make human beings feel with the suffering. It seems logical, from that perspective, to assume that human rights organizations function through empathy. Furthermore, the United Nations should continue asking to close Guantánamo.

4. Conclusion

Hamlet was influenced so much by the stereotypical “male collective identity” that he had tremendous difficulties to truly get in touch with his warm empathic side. It is the problem of anyone involved extremely with a collective identity: the oppression of one’s very own characteristics and feelings. It becomes a taboo to admit the equality of out-group members, particularly when they are stereotyped or prejudiced, since otherwise the collective identity could not give strength to one’s “own” identity. For human rights not to get lost even more people need to learn how to trust their very own perceptions. In this respect, norms and ideals about how an identity should be are highly problematic. Yet there seems to be no way out as long as people continue to be brought up under strictly authoritarian and non-empathic conditions. What happens is that people do not develop genuine bonds, based on love and trust, to their collective. The collective is artificially bound together by norms and ideas. Instead of getting strength out of genuine loving relationships, to refer back to Heinz Kohut, people feel strong by belonging to a collective. The collective idea needs to be protected. Hence, ambivalence, depicted by out-group members, cannot be tolerated.

There is a loss of empathy when there is a loss of identity. Empathy however, as has been thoroughly studied throughout this dissertation, has the potential to make people realize that “*the other*” is a human being just like oneself – worthy of respect. The biggest power of empathy in the context of human rights is that it is a truly *universal* human capability. To view the development of human rights from a perspective of empathy annihilates the debate on cultural relativism! Of course the abstract idea of human rights is a political tool and nothing innate in the human condition. However, what they are essentially supposed to protect is so-called human dignity and hence they stand for the inherent equality of the human person. Any truly empathic culture (do truly empathic cultures exist?) would subscribe that human beings are equal simply because they are sentient beings. The voices which defend the theory on cultural relativism are the voices of those who identify with a normative system, which is incompatible with human rights. Or simply of those who speak on behalf of non-

democratic governments. Simultaneously, the debate on individualism versus communitarianism is declared void by the theory of empathy. When people trust their own perceptions and feel empathy towards others they want to take care of each other. They do not want anyone to be discriminated or even dehumanized. Empathy builds a community of people who trust their own perceptions and are hence truly individual. In other words, empathy has the power to connect individualism and communitarianism.

Human rights give rights to individuals.³⁹⁵ They stand for tolerance. From a human rights perspective, everyone is seen as an autonomous person, who should be free from oppression. For instance, based on the freedom of religion everyone can theoretically freely choose to be atheist without fearing persecution. True empathy leads to the same outcome. Yet it can be considered even stronger as it is based in human morality and does not need legal enforcement mechanisms. Consider for example FGM. If there was, hypothetically, a truly empathic community practicing FGM (which seems very unlikely in the first place), a girl's autonomy would be respected. That means that she would not be forced to undergo the "rite" as a young girl, but she could decide freely for it when she can make rational decisions. Freely means to be free from peer pressure and hence to be respected as much as any other woman if she decides not to undergo the "rite". That would very likely lead to more and more women abstaining. Therefore, empathy has the power to overcome cruel cultural practices, which are deeply embedded in normative collectives.

Everyone is *equal* in the sense that everyone is a sentient being – susceptible to emotional and physical pain. People know that through empathy. Mirror neurons are activated when you are open to truly perceive "*the other*" – as opposed to viewing her through prejudiced eyes. As much as reason is needed for humans to decide on complex moral issues, the basics for morality can only be achieved through empathy. Kant was wrong when he claimed that morality should be separated from emotions. I should mention that this dissertation is not supposed to criticize Kant's lifework. Yet a pure

³⁹⁵ It should be added that in the context of minority rights (group rights) individuals are given rights on the basis of being member of a certain collective.

Kantian approach in the sphere of human rights will never lead to true equality. Human rights scholarship should focus more on the theory that empathy leads to equality. Any other approach to reconcile rivalling groups will be superficial and fruitless in the long term. Otherwise people might live together in peace for a while, but not in friendship. This makes discrimination, dehumanization, or worse, war, a latent threat. The other can be the enemy again immediately when instability (political, economic) rises. After the dehumanization in times of war, it needs genuine *rehumanization* through empathy. Of course, as long as negative emotions, in that case probably hatred, are too strong, they will lead to prejudice of “*the other*”. Sometimes emotions are too strong and people cannot simply forget about their prejudice. Empathy is no miracle tool. It cannot always be counted on. Yet empathy is the only tool to truly reconcile people. Otherwise peace will be fragile.

This dissertation is not a handbook how exactly to achieve more empathy. It gives the reasons why discrimination occurs and recommends human rights scholars to investigate the topic of empathy in light of human rights more. It can be anticipated however that arts and literature foster human rights when they illustrate the perspective of the stereotyped, prejudiced or dehumanized other in an emotional way – a way which can provide a platform for identification, as already Lynn Hunt and Richard Rorty knew. Therefore, human rights work would be more successful if it would be more concerned with arts and literature. It would be helpful if human rights organizations and intergovernmental organizations, concerned with human rights, provide more platforms for arts and literature about stigmatized others. Of course the target needs to be those, who prejudice “*the other*”. Human rights organizations already work with an emotional appeal. This work should be continued and directed more at the discriminators.

The extreme dehumanization of the Guantánamo detainees, which manifests itself in torture acts and in the image which the American public has about the “terrorists”, needs to be countered by an emotional appeal. The Arab American image has been so bad, especially after 9/11, that the majority of the American public has a dehumanized image instead of feeling empathy. It is hard to imagine the feelings of prisoners, who –

to illustrate the emotional distance – are detained far away in a Naval Base in Cuban territory. There have been theatre plays and books already, telling about the perspective of detainees.³⁹⁶ Yet it remains questionable how receptive the patriotic Americans, who support Guantánamo, are. Would they voluntarily watch a theatre play when they know it is told from the perspective of a detainee? As has been shown everything can be rationalized. A large part of the patriotic American public has such a clear idea of all Muslims being potential terrorists that it will be hard to convince them of changing their attitude and try to take the perspective of the detainees.

The main problem thus remains: extreme identification with collectives. As Adorno recommended, people need to undergo sentimental education. Moreover, people need to be brought up under tolerant and free conditions – as opposed to being educated to be conforming to the collective standards. This can only be achieved in the long run through genuine cultural changes. This is not to say that traditions, such as religions, should be made history in the long run. It means that children need to be able to develop a healthy individual identity free from enforced norms in order to become empathic open-minded personalities. If a freely developing child, which learns to be empathic by being free from norms, chooses voluntarily to follow a religion, the child will probably be tolerant towards other religious groups later.

Needless to say, human morality plays a crucial role in combatting discrimination. As has been shown, it has always been a quite debated subject whether emotions should play a role in ethics. Although emotions are often viewed as being too fleeting, to say it in Kantian terms, emotions are needed to stimulate empathy. Discrimination is done by the public or is at least supported by it. Governments are powerless to truly overcome discrimination if the public does not empathically view “*the other*” as being essentially equal. If the public does not develop empathy for “*the other*”, governmental policies to

³⁹⁶ See for instance Anna Perera’s novel *Guantanamo Boy*. The perspective of the fictional fifteen year old Khalid, who had been abducted in Pakistan to the detention centre in Guantánamo because he was suspected to plan terror, realistically describes the fate of those, who were brought to Guantánamo at a young age. In fact, the United States military admitted that children were categorized as “enemy combatants” and hence belonged to Guantánamo (see: US detains children at Guantánamo Bay, 2003).

combat discrimination will only help superficially. A democracy without empathy will be a superficial democracy. Democracy and human rights go hand in hand. It is the essential equality of the human person, which binds them together. Equality in turn goes hand in hand with empathy. In other words, it is empathy which achieves equality and therefore any democratic human rights system is in need of an empathic culture.

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